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Government
Publication

MACKENZIE VALLEY PIPELINE ENQUIRY

IN THE MATTER OF AN APPLICATION BY CANADIAN ARCTIC GAS
PIPELINE LIMITED FOR A RIGHT OF WAY THAT MIGHT BE
GRANTED ACROSS CROWN LANDS WITHIN THE YUKON TERRITORY
AND THE NORTHWEST TERRITORIES FOR THE PURPOSES OF THE
PROPOSED MACKENZIE VALLEY PIPELINE

and

IN THE MATTER OF THE SOCIAL, ENVIRONMENTAL AND ECONOMIC
IMPACT REGIONALLY OF THE CONSTRUCTION, OPERATION AND
SUBSEQUENT ABANDONMENT OF THE ABOVE PROPOSED PIPELINE

(Before the Hon. Mr. Justice T.R. Berger, Chairman)

Yellowknife, N.W.T.

April 22, 1974.

PROCEEDINGS AT ENQUIRY

VOLUME I

347
M835
Vol. I

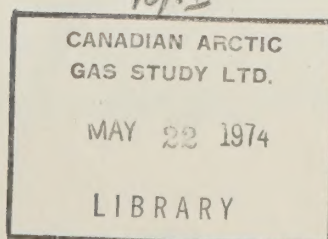
E R R A T A

Where the name Mr. Usher appears it should
read Mr. Thrasher.

THROUGH TECHNICAL DIFFICULTIES A PORTION
OF Dr. THOMPSON'S ADDRESS WAS NOT TRANSCRIBED.
IT WILL BE TRANSCRIBED AND APPENDED TO
A FOLLOWING VOLUME.

Where the name Mr. Plimlock appears it should
read Mr. Pimlott.

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PROCEEDINGS AT ENQUIRY

THE CHAIRMAN: I would like

to bring this gathering to order. I am Mr. Daniel
Thomas Berger and I have been appointed by the Govern-
ment of Canada by order-in-council dated March 11, 1974
to conduct an enquiry into the social, environmental
and economic impact of the proposed Mackenzie Valley
natural gas pipeline.

Canadian Arctic Gas Limited

has applied to the Minister of Indian Affairs and
Northern Development under Section 19(1) of the
Territorial Lands Act, R.S.C. 1970, c. 7-1, for a
right-of-way across Crown lands in the Yukon and
Northwest Territories. The enquiry I am to conduct
is authorized by Section 19(1) of the Territorial

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PROCEEDINGS AT ENQUIRY

THE CHAIRMAN: I should like
to bring this gathering to order. I am Mr. Justice
Thomas Berger and I have been appointed by the Govern-
ment of Canada by order-in-council dated March 21, 1974
to conduct an enquiry into the social, environmental
and economic impact of the proposed Mackenzie Valley
natural gas pipeline.

Canadian Arctic Gas Limited
has applied to the Minister of Indian Affairs and
Northern Development under Section 19(f) of the
Territorial Lands Act, R.S.C. 1970, c. T-6, for a
right-of-way across Crown lands in the Yukon and the
Northwest Territories. The enquiry I am to carry out
is authorized by Section 19(h) of the Territorial

1 Lands Act. I am to consider the social, environmental,
2 and economic impact regionally of the construction,
3 operation and subsequent abandonment of the proposed
4 pipeline in the Yukon and the Northwest Territories,
5 and I am to consider as well the measures which Canadian
6 Arctic Gas Limited proposes to take to meet the special
7 social and environmental requirements of the Expanded
8 Guidelines for Northern Pipelines tabled in the House
9 of Commons on June 28, 1972, and I am to report upon
10 the terms and conditions that ought to be imposed in
11 respect of any right-of-way that might be granted to
12 Canadian Arctic Gas Limited.

13 This enquiry is unique in
14 Canadian experience. I am anxious that the people of
15 the north and all other Canadians with an interest in
16 the work of the enquiry should have every opportunity
17 to be heard, and that the enquiry itself should be
18 thorough and complete. I am therefore holding these
19 preliminary hearings because I want to hear submissions
20 regarding the way in which this enquiry ought to be
21 conducted.

22 The headquarters of the enquiry
23 will be in the north, but the main hearings will be held
24 in the north and the south; the order-in-council pro-
25 vides for that. I would like to hear your views today
26 regarding the places where the main hearings should be
27 held in the north and the south. I would like to know
28 approximately how long you expect the presentation of
29 your evidence and your submissions at the main hearings
30 will take; and I would like to know how long you think

1 it will be before you will be ready to make your present-
2 tation; I would like to have your views regarding the
3 form the hearings ought to take; I would like to know
4 whether you feel that I should make use of enquiry
5 officers.

6 I have written a letter to
7 native organizations, environmental organizations,
8 Arctic Gas and other interested parties, inviting sub-
9 missions at these preliminary hearings. As I said in
10 that letter, an Assessment Group has been assembled
11 within the Government of Canada. The group is headed
12 by Dr. J.G. Fyles, Geological Survey of Canada,
13 Environmental-Engineering Co-ordinator; Dr. P.J. Rennie,
14 Canadian Forestry Service, Advisor, Forest Soils, is
15 head of the environmental section within the group; and
16 Mr. E.R. Weick, Northern Program, Senior Economist, is
17 the head of the socio-economic section within the group.
18 The Assessment Group is reviewing the application by
19 Canadian Arctic Gas Limited and will report on the
20 extent to which it meets the environmental and social
21 concerns set out in the Expanded Guidelines for
22 Northern Pipelines. Its job will be to conduct an
23 assessment of the application that has been filed by
24 Canadian Arctic Gas Limited. I intend to make the
25 Assessment Group's assessment available to all interes-
26 ted parties in the enquiry. But the group's assessment
27 will not, of course, be binding in any way upon the
28 enquiry.

29 This enquiry concerns the
30 people of the north and the environment of the north.

1 Let me repeat how anxious I am that every one who
2 wishes to be heard should be given a fair opportunity
3 to be heard. Under the order-in-council of March 21,
4 1974 I am to lay down the rules of practice and proced-
5 ure for this enquiry. I do not wish to lay down any
6 such rules until I have heard your views about the way
7 in which this enquiry ought to be conducted. That is
8 why I am here today.

9 I should say there are chairs
10 at the front here. We will pause for a minute and
11 these chairs can be taken around to the back so that
12 everyone has a seat, and during this pause you can have
13 copies of the statement that I just read, and of the
14 letter that I sent to all the interested parties.

15 I should say, as a matter of
16 formality, that a copy of the order-in-council, of the
17 pipeline guidelines, of the application by Arctic Gas
18 to the Minister of Indian Affairs & Northern Develop-
19 ment, a copy of my letter of April 1, 1974 to the
20 interested parties, and a copy of the advertisement
21 that has been placed in newspapers in the north and the
22 south about these hearings will all be filed and marked
23 as exhibits in this enquiry.

24 I should also say that I am
25 accompanied by Mr. Peter Meyers, the secretary to the
26 enquiry; Mr. Waddell, who is special counsel for
27 administrative matters for the enquiry, and Miss Hutch-
28 erson and Professor Jackson of my staff. Dr. Fyles,
29 Dr. Rennie and Mr. Weick of the Assessment Group, are
30 all here, and a list of the personnel of the Government

1 of Canada seconded to the Assessment Group is avail-
2 able to all interested parties, and if you don't have
3 that list you can get it when we take a break later
4 on in the morning.

5 The procedure that I intend
6 to follow today, which I take it is acceptable to all
7 of you, is this: I would like the Northwest Terri-
8 tories Indian Brotherhood to make their presentation,
9 to be followed by the Metis Association of the North-
10 west Territories, to be followed by any representatives
11 of the Committee for Original Peoples Entitlement, if
12 they are here; if they are intending to make their
13 representations to me at Inuvik the day after tomorrow
14 I quite understand and will look forward to hearing
15 from the Inuit Tapirisat and the Committee
16 for Original Peoples Entitlement at that time. After
17 that I would like to hear from the Canadian Arctic
18 Resources Committee; and after that from Arctic Gas;
19 and after that from anyone else here who wishes to say
20 something about the conduct of this enquiry.

21 Now I take it that that's
22 agreeable and I'll ask Mr. Sutton and Mr. Erasmus,
23 members of their party to come forward. If you wish
24 to sit here at the front, there's a microphone and you
25 can be seated and be comfortable. Would that be agree-
26 able, Mr. Sutton?

27 I should say that this is a
28 preliminary hearing and I don't intend to swear any
29 witnesses or anything of that sort. When you come
30 forward, just speak as you normally would, and if anyone

1 is concerned about how to address me, "Mr. Commissioner"
2 is certainly adequate.

3 Mr. Sutton and Mr. Erasmus
4 it's in your hands.

5 MR. ERASMUS: My name is George
6 Erasmus, and I'm a director of Community Development
7 for the Indian Brotherhood. I'll be making a brief
8 statement for the Indian Brotherhood of the Northwest
9 Territories.

10 The Indian Brotherhood of the
11 Northwest Territories is pleased to accept the invita-
12 tion to appear before this enquiry. It has always been
13 our position that on matters of such grave importance
14 to the native people of the N.W.T. and to all Canadians
15 the opportunity must exist for the fullest and most ex-
16 haustive enquiry. For that reason we welcome the fact
17 that this is only a preliminary hearing to consider
18 the way in which the actual enquiry should proceed. In
19 our view, much remains to be done before the enquiry
20 proper should proceed and we intend to offer specific
21 recommendations in this regard.

22 The Indian Brotherhood believes
23 it is essential at the outset to make as clear as we can
24 our overall position on the granting of a right-of-way
25 for the proposed pipeline. In that way, no one will
26 be confused as to the desires of the Indian people in
27 the Northwest Territories. We feel the best way we
28 can present our position is through the views of our
29 community elders, the source of our history and our
30 continuing strength.

The old people have told us:

"This is our land.

This is our home.

From time immemorial our forefathers have lived
in this land.

We have no memory of existence in any other lands.
Our history and allegiance is to this land and to
no other.

Today we still live in this land that belonged
to our forefathers, that still belongs to us, and
that we will pass on to our children yet unborn.
Our existence in this land pre-dates the coming
of the European explorers and immigrant settlers.
Our existence in this land pre-dates the estab-
lishment of colonial settlements and governments
by Europeans.

Our existence in this land pre-dates the Confeder-
ation of Canada in 1867.

Before the English and French came, we were here.
Before the promoters and developers came seeking
riches from the land, we were here. Much has
changed and will continue to change, but not our
presence and the basic rights that flow therefrom.
Too often in the past we have been compelled to
adjust to changes that were beyond our control.
For decades there has been encroachment on our
land without our permission and without compensa-
tion. Lands and resources have been illegally
alienated and appropriated and our people have
experienced serious disruption -- socially,

1 economically and environmentally. Contemporary
2 pressures are greater still -- and the potential
3 for disruption is vast -- but now more and more
4 of our people are saying, 'enough'."

5 Thus the position of the
6 Indian Brotherhood can simply be stated:

7 "There can be no massive developments like
8 the proposed pipeline until a land settlement
9 is made with the native people."

10 A land settlement, in turn,
11 requires much preparatory work, at least on our part.
12 The Indian Brotherhood said more than a year ago that
13 the research that we would have to undertake would
14 require at least two years. We have said the same
15 thing in our negotiations with the Federal Government
16 to have our research funded. Our research proposal for
17 that purpose has yet to be finalized by the government
18 and were it to be finalized very shortly, as we expect,
19 it provides at best a bare minimum of funding. The
20 resources available to us for research on a matter of
21 such profound importance to our people bears no relation
22 ship to the research funds at the disposal of the pipe-
23 line consortium and the government. Any assistance in
24 these matters that could be obtained as a result of the
25 creation of this enquiry would indeed be welcomed.

26 We therefore specifically
27 recommend that this enquiry exercise its influence to
28 speed acceptance of our proposal for funds for research
29 on land claims, and thereafter facilitate the release
30 of funds.

1 It is not only for this reason
2 that we appreciate this enquiry, notwithstanding our
3 position with respect to the priority of the land claims
4 issue. What has led to the creation of this enquiry is,
5 of course, the proposal for the pipeline. So great are
6 the ramifications of the pipeline that any discussion
7 of it cannot be other than helpful to the fullest dis-
8 cussion of many important matters. We believe that this
9 provides a unique opportunity for the views of our
10 people to be heard.

11 Relating specifically to the
12 conduct of the hearings, the Indian Brotherhood makes
13 the following comments:

14 The enquiry cannot be effective unless the views
15 of the people directly affected by any proposed
16 pipeline are sought and heard. This means, of
17 course, the native people who live in the communit-
18 ies along the Mackenzie Valley.

19 The only effective way to reach these people is
20 by going into all these communities and holding
21 hearings in a way which the people are accustomed
22 to. This calls for, in effect, community meetings
23 where the people will be comfortable in stating
24 their feelings and not formal, legalistic proced-
25 ures.

26 The people in the communities must be prepared in
27 advance for these hearings. This calls for funds
28 to hold meetings with the people to have them aware
29 of what the hearings are about and when they are to
30 be held. To date that process has been frustrated.

1 The Federal and Territorial Governments have
2 repeatedly stated their opposition to general
3 meetings of persons from a number of communities.
4 This policy is wrong headed, and should be reversed.
5 We therefore urge that this enquiry become the
6 means by which it is possible for such meetings,
7 as desired by the native people themselves, to
8 take place.

9 It will be necessary to employ field officers for
10 the purpose of preparing the people and these field
11 officers should be native people. These field
12 officers should be four in number, one each
13 selected by each of the four native organizations
14 representing the people affected. The Indian
15 Brotherhood of the Northwest Territories, the
16 Council of Yukon Indians, the Metis and Non-
17 Status Association of the Northwest Territories,
18 and the Committee for Original Peoples Entitlement.
19 The field officers would work closely with the
20 Assessment Group so as to have as much informa-
21 tion as possible to relay to the communities.
22 The hearings in the communities should be as
23 informal as possible and use should be made of
24 interpreting devices and translators and devices
25 such as video tape and recordings to obtain the
26 views of older persons who would not be able to
27 attend the hearings. The field officers would be
28 the persons who could most effectively obtain
29 video tapes and recordings.
30 The hearings in the communities should be held

1 well in advance of the more formal hearings in
2 the larger centres such as Yellowknife, so as to
3 familiarize the native people as much as possible
4 with the hearings, and encourage native people
5 to participate in the formal hearings where they
6 could have the opportunity to question the briefs
7 of other participants to the hearings. However,
8 we would also recommend that one formal hearing
9 be held in one of the predominantly native commun-
10 ities along the valley.

11 The logistics of hearings in the communities are
12 quite formidable and the timing of hearings would
13 depend on the preparation of the people and the
14 avoidance of conflict with traditional hunting,
15 trapping and fishing seasons. As well, the obst-
16 acles imposed by the weather would seem to us to
17 rule out hearings in the fall. The earliest hear-
18 ings could be held would be the spring of 1975.
19 The Indian Brotherhood does not have the resources
20 to examine the volumes of material submitted by
21 the pipeline company and prepare a comprehensive
22 brief on the environmental and social questions.

23 The Indian Brotherhood of the
24 Northwest Territories therefore intends to submit bud-
25 gets on the questions of preparing the communities for
26 the hearings and hiring resource people to ensure
27 effective participation of the native people in the
28 hearings. It is recommended that the above be incor-
29 porated into the enquiry so as to give the native
30 people maximum opportunity to participate. We believe

1 that the implementation of these recommendations would
2 create the greatest likelihood that native people
3 throughout the whole area that would be affected by any
4 pipeline and related developments would have maximum
5 opportunity to present views that are genuine and
6 informed, and that represent their collective wishes.
7 In that way, the great potential inherent in this
8 enquiry will be fully realized.

9 THE CHAIRMAN: Thank you, Mr.
10 Erasmus.

11 A VOICE: Do we have the four
12 submissions before general discussion?

13 THE CHAIRMAN: Sorry, I didn't
14 hear you.

15 A VOICE: I was just wondering
16 as to the next step, are we geared for discussion or
17 should the four presentations go first?

18 THE CHAIRMAN: I think we
19 might have the four presentations first and then have
20 discussion after that. If it's more convenient for
21 you gentlemen to sit a little closer to the front,
22 I think Mr. Waddell can maybe get a couple of chairs
23 and put them around here somewhere; but suit yourself.

24 (ORDER-IN-COUNCIL MARKED EXHIBIT 1)

25 (PIPELINE GUIDLINES MARKED EXHIBIT 2)

26 (APPLICATION OF CANADIAN ARCTIC PIPELINE LIMITED
27 MARKED EXHIBIT 3)

28 (LETTER DATED APRIL 1, 1974 MARKED EXHIBIT 4)

29 (ADVERTISEMENT RE HEARINGS MARKED EXHIBIT 5)

30 (BRIEF OF INDIAN BROTHERHOOD OF NORTHWEST
TERRITORIES MARKED EXHIBIT 6)

1 Would the representatives
2 from the Metis Association of the Northwest Territories
3 come forward and present their brief?

4 MR. SUTTON: Mr. Whitford of the
5 Metis Association, has asked me to sit with him while
6 he presents the brief.

7 MR. WHITFORD: Thank you.

8 THE CHAIRMAN: Whenever you're
9 ready, Mr. Whitford, just carry on.

10 MR. WHITFORD: The Metis and
11 Non-Status Native Association of the Northwest Terri-
12 tories is pleased to present its views concerning the
13 hearings which will be conducted on the right-of-way
14 of the proposed Mackenzie Valley Gas Pipeline.

15 The Metis Association repres-
16 sents those people and other non-status natives who
17 are not represented by the other native associations
18 and who have not been granted the same legal rights as
19 other native people in the Northwest Territories. How-
20 ever, on matters of common interest to all native people
21 of the Northwest Territories, the Metis Association
22 works closely with other major native associations in
23 the N.W.T.

24 In common with the other
25 native organizations our Association considers that
26 land claims which are presently being pressed, are
27 based on aboriginal rights of title to land and resour-
28 ces which are morally unassailable.

29 As descendants of the original
30 inhabitants of this country, the Metis and Non-Status
peoples of the N.W.T. retain unextinguished aboriginal

1 rights in the land. The existence of these rights has
2 been confirmed by recent Court decisions. These rights
3 belong to all the descendants of the original peoples
4 of the north and are unaffected by government attempts
5 to divide the Indian and Eskimo nations by defining
6 some as Treaty peoples, some as non-status, and some
7 as Metis. We are one nation and this is our land.

8 The position of the Metis
9 Association has been and continues to be, therefore,
10 that we are opposed to any final resolution of the
11 Mackenzie Valley Gas Pipeline application until native
12 claims have been fully and fairly resolved. We must
13 adopt this position in particular because our rights
14 have been ignored for so long.

15 The Metis and Non-Status
16 people are unique amongst the native community, inso-
17 far as their need to place their case before the Canad-
18 ian people have been ignored by government on the basis
19 of a definition imposed upon us which is illogical and
20 unjust. We have been excluded from consideration for
21 the support which is our right in our efforts to docu-
22 ment our claims and we have to rely wholly on the work
23 accomplished by our brothers in the other native organ-
24 izations. There should be no doubt that while we will
25 continue to seek funding in this regard, we stand four-
26 square with them on this issue.

27 From the day when the Arctic
28 Gas pipeline project was first unveiled, it has been
29 obvious that the native people of the Northwest Terri-
30 tories have been at a great disadvantage in terms of

1 understanding this development and its implications
2 and representing their views. We have not had the res-
3 sources to carry out our own research or to hire expert
4 opinion on our behalf. At the same time, our requests
5 for information about this project have brought inade-
6 quate results. It has been virtually impossible for
7 our people to get together to discuss their common
8 interest in this matter and we have remained on the
9 sidelines in an issue which vitally affects our lives
10 and our land.

11 We see in these hearings the
12 potential for meaningful participation by our people in
13 this momentous decision regarding the gas pipeline.
14 We would, however, emphasize the word "potential", for
15 much ground work remains to be done before we will be
16 prepared to express our views. As we have explained,
17 our lack of resources has prevented us from studying
18 this development up to now, and it will take both time
19 and resources and much activity on the part of all
20 native organizations to prepare our communities for
21 participation on the hearings.

22 We would, therefore, make the
23 following recommendations with regard to the necessary
24 pre-conditions for the success of these hearings and
25 with regard to the actual conduct of the hearings
26 themselves.

- 27 1. That monies be provided to the native organizations
28 to hire field personnel, to hold meetings, to
29 gather information and to help prepare the way for
30 meaningful participation by all affected

1 communities in the hearings.

2 2. That monies be provided to the native organizations
3 sufficient to permit them to obtain technical
4 assistance in assessing the mountain of material
5 presented by the Arctic Gas in support of their
6 application.

7 3. That monies be provided to undertake studies in
8 those areas felt to be neglected in the view of
9 the native community but essential to a proper
10 evaluation of the proposed pipeline.

11 4. That following the completion of the foregoing,
12 hearings should be held in every community affected
13 by the pipeline and in accordance with the customs
14 of the native people so as to encourage the widest
15 possible participation. These community hearings
16 should be held prior to the more formal events in
17 the larger centres of Yellowknife and Inuvik.

18 It is our intention to follow
19 these recommendations in the near future with a budget
20 submission to this Commission requesting the above
21 support without which we feel the hearings will be
22 unlikely to elicit the genuine and informed opinion of
23 the native people. Furthermore, in consideration of
24 the amount of work the above steps entail, we feel it
25 would be wise to allow at least a year before the
26 commencement of hearings in the communities, and we
27 would recommend that dates for these hearings should be
28 set with due regard to the state of progress in these
29 tasks.

30 THE CHAIRMAN: Thank you very

1 much, Mr. Whitford.

2 (BRIEF OF THE METIS & NON-STATUS NATIVE ASSOCIA-
3 TION OF N.W.T. MARKED EXHIBIT 7)

4 THE CHAIRMAN: If representa-
5 tives of Inuit Tapirisat or of C.O.P.E. wish to
6 say anything now, they are welcome to do so, if they
7 wish; on the other hand -- please come forward, sir.

8 MISS HUNT: The Inuit Tapirisat
9 of Canada will be making a formal submission at Inu-
10 vik and we will not make a formal submission here.

11 THE CHAIRMAN: I see. Thank
12 you very much. Yes, Mr. Raddi.

13 MR. RADDI: Your honor,
14 ladies and gentlemen, I am glad to be here at this
15 very important hearing. I regret I cannot be at
16 Inuvik for the hearing there, but however, someone
17 will be making the presentation.

18
19 THE CHAIRMAN: Thank you very
20 much, sir, for coming today. As representative of
21 Inuit Tapirisat appeared today. I'm certainly willing
22 to hear from you now. I was given to understand that
23 Inuit Tapirisat would be making a submission at Inuvik
24 or Ottawa.

25 MISS HUNT: I was representing
26 Inuit Tadirisat and we will be making a submission.

27
28 THE CHAIRMAN: Thank you, I
29 didn't understand that. Thank you very much.

30 Well, just so that I do this

1 in a way that makes it fair in my anxiety to hear all
2 of the people representing native organizations, is
3 there any other representative of any native organiza-
4 tion who wishes to be heard before I ask the Canadian
5 Arctic Resources Committee for their submission?
6

7 MR. THOMPSON: Maybe I'll follow
8 the precedent that's been set and address you, sir,
9 in a sitting position.

10 THE CHAIRMAN: Yes.

11 MR. THOMPSON: I'd like to
12 introduce myself. I'm Andrew Thompson, and I'm chairman
13 of the Canadian Arctic Resources Committee.

14 With me this morning are Mr.
15 Kitson Vincent, executive secretary of the Committee,
16 and Mr. A.R. Lucas, who is chairman of the Legal
17 Committee and who will be counsel for CARC in the
18 hearings that will follow. In addition I'll introduce
19 Mr. Douglas Pimlott, who is a resource person for the
20 Committee for Original Peoples Entitlement, under the
21 sponsorship of the Canadian Arctic Resources Committee,
22 its program of Man in the North. Also with us is
23 John Thompson, who is a field worker.

24 I am going to file with the
25 Commission a document entitled:

26 "1973: Summing Up."

27 It identifies the members of the Committee. It sets out
28 the objectives of the Committee, and it identifies some
29 of its research programs. I have a number of copies
30 with me that I'll give to Mr. Waddell.

(1973: SUMMING UP BY CANADIAN ARCTIC RESOURCES
COMMITTEE MARKED EXHIBIT 8)

MR. THOMPSON: I'm going to
outline the statement which CARC will make this morning
and to identify areas where Mr. Vincent and Mr. Lucas
and Pimlott will make a short supplementary statement.

First, referring to the docu-
ment that I filed, I thought that I might mention some
of the members of the Committee and explain its makeup.

The Committee includes Canad-
ians from all parts of the country, and various back-
grounds in community life and business and universi-
ties. For example, Mr. Donald Chant, who is well known
in Canada in environmental matters, and is the founder
of Pollution Probe, is a member; and Mr. Maxwell Cohen,
the chairman of the International Joint Commission of
Canada is a member; Professor Peter Cumming, who is
legal counsel for the Inuit Tapirisat and a professor at
Osgoode
Hall Law School, and a known legal authority on the
subject of native rights, is a member of the Committee;
Tagak Curley, who is president of the Inuit Tapirisat
is a member; Dr. William Fuller, who has had a long
and intimate research experience in the north and is
well known for his work as head of the Department of
Zoology at the University of Alberta, is a member of
the Committee; Mr. Eric Gourdeau of Montreal, who had
long experience in Quebec both for the govern-
ment and as an independent researcher, is a member of
the Committee; Dr. John Spence of the Department of
Environmental Studies at McGill University, is a member

1 of the Committee who will be responsible for part
2 of our research program; and finally I would mention
3 Mr. James Wah-Shee is a member of the Committee.

4 In our statement of objectives
5 which was adopted by the Committee, there are two
6 matters that I would draw to your attention. One is
7 that CARC supports the efforts of the native peoples
8 in the north to gain a permanent settlement of their
9 land claims, and believes that a fair and reasonable
10 settlement should be achieved, at least ~~an~~ outlining
11 commitment before any major northern developments are
12 authorized.

13 The statement also addresses
14 the matter of environmental assessment of the pipeline
15 project.

16 CARC would like to make it
17 clear just what importance it attaches to these hearings
18 While our concern will be evidence mainly in environ-
19 mental assessment of the project, we will also be con-
20 cerned with certain of the socio-economic aspects.

21 We understand that the National
22 Energy Board, in its review of the projects, will in-
23 clude among its items of interest environmental and econ-
24 omic matters, but it is our understanding after infor-
25 mal discussions that they will defer to this Committee
26 the terms of the environmental impact particularly in
27 the north; and from our point of view, this Commission
28 will have the opportunity to assess these matters in a
29 way that will not be available to the National Energy
30 Board. This is our view. It's based on the fact that

1 the Board's experience and its past record, is particularly
2 in the technical assessments of such a project, in terms
3 of the markets, the supply, the demand, the engineering
4 feasibility of the particular pipeline. We feel that
5 this hearing is the hearing with respect to environ-
6 mental assessment and socio-economic assessement.

7 Next we would like to comment
8 on the matter of timing of the hearing. It would be very
9 difficult for us to be ready to undertake the major
10 hearings/ ^{before 1975} and we would like to list reasons why we think
11 that this length of time is essential.

12 1. The applicant is proud of the fact that it has
13 spent four years in detailed environmental assess-
14 ment, and of course the Government of Canada has
15 spent a lifetime. Now the purpose of the hearing
16 is so that these matters can be brought forward
17 and placed under public scrutiny. It's unreason-
18 able to expect that we could be in a position
19 within the course of a few months to review the
20 work that has taken four years to compile.
21 There's a problem from our point of view of avail-
22 ability of personnel. The initiative here rests
23 with the applicant. He is the one that decides on
24 this date today these hearings -- or at least
25 whenever they filed their application, that was the
26 point at which --

27 THE CHAIRMAN: I decided that
28 this hearing would be today.

29 MR. THOMPSON: Yes, your honor.
30 I wouldn't like to think it was otherwise. But they

1 have had the initiative as to the timing of these
2 hearings.

3 The public interest organiza-
4 tions cannot really begin to respond until that date,
5 and they need then time to be able to assess the
6 application.

7 It has been indicated that the
8 Government's Assessment Group which will assist your
9 Commission and will report in the fall, then of course
10 we would expect to have time to review their assessment
11 before we commence the hearings.

12 We think that there are pro-
13 blems concerning what material is to be filed by the
14 applicant. For example, schedule 1 in the application
15 before the National Energy Board, which I believe is
16 before this Commission, this lists a large number of
17 items as to which the applicant will make a future
18 filing. Now, we think that many of these items
19 will have to be before this Commission and before our-
20 selves for assessment and analysis if this Commission
21 is to properly discharge particularly concern over
22 the socio-economic objectives. To give you an example,
23 we don't see how you can do an analysis of regional
24 socio-economic impact in isolation from, not all, but
25 some, of the national economic factors, for example an
26 effect on inflation, availability of labor and such
27 matters. We would expect that it would be, at least
28 at some stage in the hearing, these matters must be
29 before this Commission for it to be able to place its
30 assessment of regional problems within the larger

1 national economy.

2 Further, the material that
3 has been presented certainly omits a good deal of the
4 data which is necessary if persons of field competence,
5 and competence in analysis are to be able to check out
6 the conclusions and recommendations that are made. We
7 believe that there's a good deal of data which will
8 have to be brought before this Commission.

9 My next point is that the
10 application is defective in a number of major matters,
11 which we will specify in more detail at a more appro-
12 priate stage. For the moment I would simply mention
13 one such major matter and I refer to the Pipeline
14 Guidelines requirements, and in the 1972 Guidlines
15 under page 7 is a reference to the "corridor"
16 concept, and on page 10 of the 1972 Guidlines there's
17 a statement that -- parargraph No. 3 on that page:

18 "In view of the influence of the first trunk
19 pipeline in shaping the transportation corr-
20 idor system, and in moulding environmental
21 and social future of the region, any applicant
22 to build a first trunk pipeline within any segment
23 of the corridor system outlined in one above,
24 must provide with his application,"

25 I'm not going to read all of the items, but just the
26 first line,

27 " assessment of the suitability of the appli-
28 cant's route for nearby routing of the other
29 pipelines."

30 The importance of this require-
ment, I think, is apparent. The recent ADGO oil
discovery in the Delta adds to the possibility that an
oil field of commercial possibilities will be discovered
within the not too long future and therefore an oil
pipeline is not simply something to be thought of as in
the vast remote future, it is a possible matter that
could follow closely on the heels of a gas pipeline.

Also I think that it is becoming
evident in the Alaska experience that the building of

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1 the Alyaska -- authorization and now the building of
2 the Alyaska natural gas pipeline sort of carries
3 piggy-back fashion the assumption that it would be
4 environmentally suitable to build, along with the oil
5 pipeline, a gas pipeline; and we simply use that as an
6 example to show that it is not really an academic
7 fancy that once you establish a corridor and put a
8 pipeline it it that that somehow then rather gains
9 acceptability as the route for another pipeline and it
10 is for that very reason that this stipulation was
11 placed in the 1972 Guidelines, that once you have
12 authorized one pipeline, it becomes presumptively
13 the location of a second.

14 I am going to as Dr. Pimlott
15 to make some further comments about the 1972 Guidelines.

16 The final reason that I would
17 mention, this isn't a matter that we have introduced
18 but I think that it has been introduced into the matter,
19 and that is the question of hydro-electric development
20 on the Great Bear Lake. Quoting from the "Edmonton
21 Journal" of April 3, 1974, Mr. G.D. Armstrong, who is
22 the Regional Director of Resources for the Northwest
23 Territories, identified this development:

24 "In part and parcel or as part and parcel
25 of Mackenzie Valley Pipeline considerations"
26 In the same newspaper and in the same article, Mr.
27 Digby Hunt, who is Assistant Deputy Minister of Indian
28
29
30

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1 and Northern Affairs is quoted in this way:

2 "Mr. Hunt said he doubted complete Great Bear
3 projects information would be ready in time
4 for Indian Affairs hearings on a right-of-way
5 application by the CAGSOL, but he said it
6 could form part of the CAGSOL submission at
7 National Energy Board hearings."

8 Well, as we've said before, we
9 view these hearings certainly as important as National
10 Energy Board hearings in terms of the environment
11 matters, and the questions of that power development
12 are considered by the government to be relevant to the
13 assessment of this application, then that information
14 must be before this hearing.

15 With respect to the place of
16 these hearings, we as a Committee will submit to the
17 convenience of other parties to the extent -- what
18 I'm thinking of here is from our point of view the
19 matter of place is more a budget matter than it is
20 anything else. The more the hearing moves about,
21 particularly considering the vastness of Canada, the
22 more cost consideration you get into.

23 With respect to some other
24 matters of procedures, I would ask Mr. Lucas to address
25 some remarks.

26 With respect to the subsequent
27 position before the Commission, as I said before our
28 main effort will be in the environmental area. I've
29 asked Mr. Vincent to speak briefly about our staff and
30 our capability in this respect; and I'm also going to

1 ask Professor Graham Beekhust of York University to
2 speak briefly again about the capabilities for research
3 and assistance to our organization and to other public
4 interest organizations that they can provide

5 I'll also ask Mr. Vincent to
6 speak to the matter of financing operations by an
7 organization like ours. Thank you.

8 Now, if I may, I would like to
9 ask Dr. Pimlott.

10 DR. PIMLOTT: Yes, certainly.
11 Mr. Chairman, my remarks will be very brief. As a ra-
12 tionale I think for my having anything to say at this
13 time is the fact that I'm immediate past chairman of the
14 Canadian Arctic Resources Committee, and it was during
15 my period of office that the formulation of the pipeline
16 guidelines was under way, and Canadian Arctic Resources
17 Committee participated or attempted to participate in
18 that process. I think the area of direct and immediate
19 concern here, as far as the pipeline guidelines is
20 concerned is that they are an important part of your
21 terms of reference, and the expanded guidelines are
22 referred to as tabled in the House of Commons in June
23 28, 1972. At that time any organizations like ours
24 were asked to make input to the environmental group on
25 these pipeline guidelines, and we in common with many
26 other organizations, spent a great deal of time attempt-
27 ing to do this, and we feel that there should have been
28 out of all of these deliberations a revised set of
29 pipeline guidelines which had made some reference to
30 the guidance which was offered at that time. We are

1 concerned about the fact that they have given as part
2 of their terms of reference an unamended set of pipe-
3 line guidelines. It is really part and parcel of
4 the processes that our Committee has taken exception to
5 is the past that public organizations who have relative-
6 ly little resources of either financial or human nature,
7 can go through such long, involved processes and then
8 see no dividends whatsoever in terms of the final
9 result. We think that your enquiry should in fact have
10 been given a revised set of pipeline guidelines, as part
11 of your terms of reference, and we believe that there
12 should be an enquiry as to whether or not an expanded
13 and revised set of pipeline guidelines are somewhere
14 in the process of being formulated.

15 The only other point I would
16 make is the reference to Professor Thompson's remark
17 with respect to material which still remains to be
18 submitted. On page 11, paragraph 4 is an example of
19 this type of area which we think represents material
20 which presumably should have been tabled. In many
21 cases government documents such as this one tend to
22 refer to euphamistic terms to things which will happen
23 and in this case paragraph 4 refers to these pipeline
24 corridors and suggests that the government will identi-
25 fy geographic areas of specific environmental and social
26 concern or sensitivity, areas on which it will impose
27 specific restrictions concerning route or pipeline
28 activity.

29 Then at the last part, the
30 last sentence of that paragraph it states:

1 "The statements announcing above will be
2 released through the office of the Director of
3 Environmental Social Program, Northern
4 Pipeline."

5 Now more than two years have
6 gone by, and as far as we know there has not been a
7 single edition or a single area identified in either
8 a geographic, environmental or social sense where this
9 has had any meaning whatsoever, in terms of the pro-
10 cess of offering guidance to the developers of the
11 pipeline. We think this should be determined whether
12 in fact there has been any work on it, and if there
13 is information, that it should be tabled as part of
14 the background through the processes of your inquiry

15 Those are the only two points
16 I wish to refer to.

17 DR. THOMPSON: Mr. Lucas.

18 MR. LUCAS: Mr. Commissioner,
19 I have three points to make with regard to the subject
20 of the procedure.

21 The first has already been
22 touched upon by Dr. Thompson in his part of the pre-
23 sentation, and this relates to the place of hearing
24 and in particular to the main or formal hearings as
25 opposed to the hearings in the communities.

26 One of the problems we would
27 like to identify at this time would be that involved
28 in moving the formal hearing to a number of centres
29 while particularly the applicant's case is being put
30 in; and in addition while technical and scientific

1 evidence is being led by either the applicant or by
2 any of the other parties appearing at the hearing.
3 It really goes ultimately to the matter of cost and
4 convenience, and of having witnesses available and
5 perhaps moving them from point to point.

6 THE CHAIRMAN: Excuse me, Mr.
7 Lucas, would you repeat that proposition? I'm not
8 entirely with you.

9 MR. LUCAS: Well, we're
10 assuming that the hearings will take place at a number
11 of centres, both in the north and southern Canada,
12 and in addition, we are assuming that hearings of a
13 less formal nature will take place in the communities
14 in the north. I'm addressing this particular comment
15 to the more formal hearings that will take place in
16 the larger centres.

17 Now, first of all, we feel
18 that these hearings should -- the formal part of the
19 hearings should take place mostly in the north. That
20 would appear to us to be most appropriate, but we are
21 concerned, as I've mentioned, about the hearing moving
22 too fast or to too many centres, particularly while
23 technical or scientific evidence is being put in. It
24 goes to the problem of having witnesses available and
25 perhaps having to move them from point to point while
26 the evidence is being put in as the hearing moves
27 relatively quickly.

28 So what we are suggesting,
29 in other words, is that the formal part of the hearing
30 should take place at relatively few places; but that

1 the majority of those hearing sessions should in any
2 event take place in centres in the north.

3 Now the second point relates
4 to the problem of additional information or undisclosed
5 information that has already been raised by Dr. Thompson,
6 and this goes to two types of information. First of
7 all, additional information to be provided or that
8 should be provided, as Dr. Thompson has suggested, by
9 the applicant. Secondly, the information including
10 the information just referred to by Dr. Pimlott,
11 that must be available to this hearing and to the
12 points of the hearing by the government. What we were
13 wondering at this point is simply how this material
14 can be most conveniently made available?

15 Probably some acceptable
16 system of production of documents should be developed.
17 That's the first point we would like to make.

18 Secondly, we would simply
19 like to pose the question of how the Commission pro-
20 poses to exercise its subpoena powers, with regard
21 particularly to two categories of expert witnesses
22 who will appear for the applicant, and secondly experts
23 that have been involved in studies for the Government
24 of Canada; and with regard to the latter, for example,
25 we feel that it will be essential for certain indi-
26 vidual investigators who compiled the data upon which
27 certain government reports on the subject of the pipe-
28 line corridor are based, should be available for cross-
29 examination at the hearings. There might be a number
30 of ways of doing this. A recommendation for subpoenas

1 could be made to the Commission and the witnesses
2 could be subpoenaed as witnesses for that particular
3 party. Alternatively, perhaps, subpoenas could be
4 directed upon the recommendation of parties, but the
5 witnesses will then appear as Commission witnesses,
6 and there may be other possibilities as well. We
7 simply like to raise that problem at this point.

8 Those are the points that
9 I have to make, Mr. Chairman.

10 DR. THOMPSON: I will call Mr.
11 Vincent to address the question of our staff and financing.

12 MR. VINCENT: I will be very
13 brief, Mr. Commissioner, because a lot of our
14 material is contained in documents coming up, but we
15 do maintain an office in Ottawa, a head office which
16 employs six people full-time; we have an office in
17 Edmonton of two people; and we have a small office
18 in Inuvik which we'll be enlarging next year. The
19 main office in Ottawa is essentially a co-ordinating
20 group, and it's also concerned with publications,
21 publishing material that our various Research Committees,
22 are developing as well as publishing a monthly News Letter and various
23 reports of seminars from time to time.

24 head office This is separately funded, the
25 job is separately funded and the research programs that
26 we conduct are social and environmental field areas,
27 and they are largely funded by foundations and sent
28 to Ottawa to co-ordinate the various activities.

29 Regarding the hearing, we have
30 been preparing for your hearings, and last week have

1 opened another office in Ottawa, separate from our main
2 office, which is under the direction of Dr. John Spence
3 and Mr. Inar Skinner. Both of these gentlemen have
4 been working for the past two years with the James Bay
5 Indians developing their case before the Quebec Courts and
6 also working on the land use and occupancy studies.

7 We have a number of contacts
8 with professional organizations across the country, and
9 in particular the Canadian Indian Federation, and we
10 draw upon their resources and expertise from time to
11 time.

12 We also rely upon services supplied
13 by universities, particularly the York
14 University, and as far as the preparation for our
15 environmental studies, our environmental evaluation
16 of this proposal, we have a team pretty well together
17 by now, but we do not have the funds to do an adequate
18 analysis and review as such. However, the physical requirements
19 are met, as well as the technical scientific expertise
20 which is now on staff, and we'll be getting more people
21 as we -- if we can get funds.

22
23 That's all I have to say.

24 THE CHAIRMAN: Excuse me, Dr.
25 Thompson. Do you have to change your tape? We'll just
26 pause for a minute while the reporter changes his tape.

27 (PROCEEDINGS ADJOURNED FOR FEW MINUTES)

28 (PROCEEDINGS RESUMED PURSUANT TO ADJOURNMENT)

29 THE CHAIRMAN: We'll carry
30 on now. I wonder if you'll just take your seats and

1 carry on with the presentation by Canadian Arctic
2 Resources Committee. I think you were going to ask
3 another --

4 MR. THOMPSON: Sir,
5 this is Professor Graham Beekhust of the Department
6 of Environmental Studies of York University at Toronto.

7 MR. BEEKHUST: Mr. Commis-
8 sioner, I am a member of the Faculty of Environmental
9 Studies at York University.

10
11 For several years our
12 faculty has been interested in environmental and social
13 / impact of northern
14 development projects and a certain fund of knowledge
15 has been established within this organization, and
16 we've undertaken a number of projects including for
17 example, a major submission to the Director of Environ-
18 mental & Social Program on the original pipeline
19 guidelines.

20 In the past year we've begun
21 to focus much more directly on a study of land and
22 resources in the north, in conjunction with a number of
23 public interest organizations, and I have myself become
24 involved in a recent study of the territorial land use
25 regulations under which this enquiry is being held.

26 Since the filing of the
27 application within the faculty we've held a number of
28 meetings with regard to our possible involvement in
29 the hearings as professional and technical resource
30 people serving the various public interest groups that
have addressed you already this morning. Briefly, the

1 faculty covers a very broad range of disciplines from
2 ecology, biology, and engineering to sociology,
3 political science and communications.

4 The question of inter
5 disciplinary assessment, as is well known to the
6 applicant, is an extremely difficult one and we have
7 been trying to sort this question out ourselves, in
8 fact for some years now, with reasonable success. We
9 have within the faculty about 12 to 14 academics, and
10 a large number of graduate students who would be
11 prepared to work as a professional and technical
12 resource people to these public interest groups on the
13 assessment of this application before this hearing.

14 We are prepared to provide
15 within our capability, in this area, and we are pre-
16 pared to provide this enquiry with a detailed analysis
17 with the personnel available and the work we're capable
18 of undertaking by the end of these preliminary hearings
19 early in May.

20 I should just emphasize in
21 closing a point that has been made by many of the
22 people who have spoken this morning, and that is the
23 question of time. This is a very substantial applica-
24 tion, it involves a great deal of highly technical
25 data, and there's a great deal more information yet
26 to be released, and that will also have to be assessed.
27 This is also an unfortunate time of year to attempt
28 to conduct a major assessment as far as academics
29 are concerned, since many of them are already committed
30 for the summer, as are some of the best of the graduate

1 students who could work on these projects. However,
2 the commitment and the capability is there, including
3 personnel in other universities and other organizations, to provide
4 this very substantial and technical and professional
5 resource base that will be needed by these
6 groups to provide this enquiry with an adequate assess-
7 ment in their respect of this application. It will
8 be up to Canadian Arctic Resources Committee to
9 furnish details on their requirements.

10
11 THE CHAIRMAN: Thank you.

12 DR. THOMPSON: To complete our
13 submission, Mr. Commissioner, I should add that in
14 addition to the York group that has just been identi-
15 fied, we have the assistance of Professor Fuller,
16 University of Alberta, and through him the availability
17 of graduate students; Ian McTaggart-Cowan is the dean
18 of graduate studies at the University of British Colum-
19 bia and is a member of the Committee and has in the
20 past and will again offer us both professional
21 review assistance and arrange availability of
22 personnel; and finally on the socio-economic side of
23 it, in addition again to the York Faculty, is Professor
24 Milton Moore, who is known all across Canada in terms
25 of regional economics, having done extensive work for
26 example in the Maritimes. He is available to us and
27 has been a consultant to us in the past and will be
28 again.

29 Now, I think what we're
30 presenting to you is that we have a capability to

1 undertake a review and to assist this Commission in
2 this responsibility. As has been mentioned, we require
3 funding, and one of the explicit matters we hoped would
4 be addressed this morning would be whether or not there
5 will be funding available through the Commission. The
6 importance of this in the long run is clear; in the
7 short run I would simply say that unless we can final-
8 ize our plans within the next three or four weeks,
9 it will not be possible for us to effectively get under
10 way an examination and review of the application this
11 summer. In three or four weeks' time, as has been
12 indicated, those in universities and those who are
13 graduate students will no longer be available for
14 employment.

15 Finally I just want to say that
16 while we are making our main submission here, we know
17 that the Commission will complete this preliminary
18 review in Ottawa in the first week of May, I think it
19 is, and we wish to make it clear that we will attend
20 that hearing in Ottawa and if there are further matters
21 to be addressed, we reserve the right to appear and
22 make presentations at Ottawa. Thank you.

23 THE CHAIRMAN: Mr. Goldie, do
24 you wish to make a presentation now? *22 April 1974*

25 MR. GOLDIE: Mr. Commissioner,
26 I don't have a formal presentation but
27 I could make some observations.

28 THE CHAIRMAN: Excuse me,
29 there's a door creaking somewhere.

30 MR. GOLDIE: I thought it was a

1 bit early for adverse comment.

2 (LAUGHTER)

3 Perhaps before I go on, Mr.
4 Commissioner, I should introduce myself. My name is
5 Goldie, and I appear for the applicant. With me is
6 Mr. Marshall of Calgary, and there are a number of
7 officials and staff of the Canadian Arctic Gas
8 Pipeline here. Mr. Brackett, who is an officer of
9 the company; Mr. Heard and Mr. Henslaw have come
10 from Calgary for the hearing, are here to be of
11 assistance to the Commission at this point.

12 It is of course a truism,
13 Mr. Commissioner, that the applicant has filed its
14 applicatiion and has filed with that application not
15 only supporting exhibits but a fair amount of background
16 material, and there will be more to come in the course
17 of preparation; but this is a time-consuming task.

18 The exhibits which have been
19 filed are, in the submission of the applicant, those
20 which are necessary for the conduct of your enquiry.
21 I don't want to get too far into the question of
22 jurisdiction, but as Dr. Thompson very properly pointed
23 out, the National Energy Board has got a very large
24 task ahead of it in relation to marketing, financing
25 and things of that order. The very large task that
26 is ahead of you is as stated in your terms of reference
27 and referred to by your opening, and the applicant's
28 submission is that in the first instance it has placed
29 before the hearing and the people who are affected
30 by it, the material necessary to evaluate these

1 proposals. The applicant, of course, is confident
2 that this application is in the public interest. It
3 must discharge an onus in that regard with respect
4 to the National Energy Board which must make a finding
5 on that basis before a certificate of public conven-
6 ience and necessity is issued.

7 The applicant is also, and
8 a great deal of its evidence goes to this point,
9 convinced that construction and operation of the pipe-
10 line will afford an unparalleled opportunity for the
11 advancement of northern peoples.

12 I'd like to say that I assoc-
13 iate myself with those who have gone before in saying
14 that we're pleased to participate. Whether we're
15 pleased or not is really irrelevant, Mr. Commissioner.
16 We're here and we intend to participate, but I am
17 indeed pleased that we are given an opportunity of dis-
18 cussing with you and the other people who are going
19 to take a part in these proceedings this question of
20 procedure.

21 I think there is a rather,
22 I was going to say formal, considerations of an
23 informal character which no doubt you have in mind.
24 You have advertised these hearings for the purpose of
25 notifying all that the hearings are going to take
26 place. We think the usual procedure of asking those
27 who intend to participate, to identify themselves,
28 and to provide you and others with some indication of
29 what the nature of their interest is.

30 THE CHAIRMAN: You mean in

1 advance?

2 MR. GOLDIE: In advance. It's
3 something which should come out of these hearings.

4 The place of the hearings,
5 we have no preference, Mr. Commissioner. Several
6 suggestions have been made this morning which suggest
7 -- which contemplate two types of hearings, one of a
8 very informal character and the other type of a more
9 formal character. Dr. Lucas expressed a very proper
10 concern when he said that it might very well be in-
11 convenient and difficult for interested parties to
12 be tracking around the countryside a platoon of witnesses
13 who are giving a series of stories. We have a sug-
14 gestion to make with respect to that, and very briefly
15 it's this, that if you decide to hold informal hearings
16 approximating the kind suggested by the Brotherhood
17 and others, those should be got under way as soon as
18 possible; they should be dealt with in the way in
19 which you think best. At those hearings the appli-
20 cant would not attempt to lead any evidence. Indeed,
21 if you'll examine the exhibits you will see that
22 they are in a narrative form and are very much more
23 elaborate than simply tables and statistical material.
24 That was done so as to allow people before hand to
25 read them and gain some insight into the reasons why
26 certain conclusions are suggested.

27 Those hearings, it seems to
28 me, those informal hearings which could be got under
29 way relevantly soon, would enable the Commission to
30 obtain some idea of the impact which is part of your

1 terms of reference. Then -- and I'm now speaking for
2 the kind of thing that Dr. Lucas was referring to --
3 then after that has been concluded, and after the
4 regional informal hearings at which there is cross-
5 examination of an appropriate character but we're
6 not talking about formalities here, we're talking
7 about eliciting information. After that has been done
8 and after the Assessment Group's report is made, then
9 the applicant would put forward in one place, I sug-
10 gest, and it could be Yellowknife or what have you ,
11 one place any further evidence. It would tender all
12 of the experts who must prove the opinions which were
13 stated in the exhibits, and it could reply to any
14 evidence which had been put forward before. Then
15 you would have, as it were, a wind -up of a package
16 which would be of the highly technical material which would
17 hopefully allow people who are interested in that an
18 opportunity of following that through without, as I
19 say, chasing around the countryside with a platoon
20 of experts who are talking -- they would finish one
21 day in one place and then pick up from there in another
22 place, and that with technical evidence would be very
23 difficult.

24 There has been some reference
25 made to the question of the native claims, and I should
26 say that the applicant understands that active nego-
27 tiations have not yet begun relative to the Northwest
28 Territories. The Government of Canada has, as we
29 understand it, indicated that it was prepared to begin
30 when the representatives of the native peoples believe

1 they wished to do so, and I think a more accurate
2 summing up of the state of affairs was given to you
3 earlier.

4 It is the applicant's
5 desire and hope that these negotiations will commence
6 as promptly as possible. I find it very difficult to
7 see a place for the applicant in those negotiations.
8 My client is seeking rights with respect to the use of land
9 and we're seeking it from whoever owns those lands;
10 but that -- the resolution of that problem is really
11 one that the applicant doesn't have much of a say in.
12 But it certainly is anxious that the negotiations be-
13 gin as promptly as is compatible with the best inter-
14 ests of the native peoples, and that such negotiations
15 will be successfully consummated on an equitable
16 basis.

17 As I've indicated, we are
18 not a party to those negotiations and I see very
19 little place for Arctic Gas in that respect. The
20 position that we take is as I have indicated, that
21 we're willing to deal with whoever, individuals or
22 groups or governments, ^{that} have ownership or other authority
23 over the relatively small amount of land we need for
24 the pipeline project.

25 We intend, I am so instructed,
26 that as a matter of policy the Pipeline Company will
27 deal fairly and openly with whatever peoples or groups
28 that have the power or authority or the right to deal with
29 land. We do feel, however, that the appli-
30 cation and the progressing forward of the pipeline

1 project is not prejudicial to those claims, or resolu-
2 tion of those claims, and in deed may be beneficial.
3 The rights to any party can be preserved, whatever the
4 status of the land/^{claims} negotiations might be at the time
5 you make our report and the government decides to
6 act on it.

7 It is therefore the position
8 as seen at the present that the resolution of those
9 claims and negotiations with respect to them are not a
10 matter of direct relevance to the problems that you
11 have been confronted with in your Commission.

12 It is my client's hope that it would be allowed to
13 proceed on the basis, because as I have stated, it is
14 its submission and it believes that its submission is
15 supported by the evidence, that the project is in the
16 public interest both in the north and in the south.

17 I don't mean to suggest, I
18 wouldn't want anybody to think that I am suggesting
19 that native people should not have as complete a voice
20 as they desire in these hearings. Obviously the matters
21 within your terms of reference require it. I just
22 didn't want to make any suggestion to the contrary.

23 You did suggest in your letter
24 of April 1st three specific matters of interest to you
25 at these hearings. The first was submission regarding
26 the way in which the enquiry should proceed, and I've
27 already touched on that. The second was any suggestions
28 or submissions regarding the scope of the Assessment
29 Group's work; and the third is submissions as to the
30 use of inquiry officers.

1 As I have indicated, the
2 exhibits have been framed in a narrative fashion and
3 it is no surprise that this application has come along.
4 It has been a matter of public debate for a number of
5 years now. The gathering up of material has gone on
6 for a long time, and this has been well known in the
7 academic and the professional communities. I was just
8 looking at Dr. Thompson's document of the "1973 summing
9 up," and the statement of objectives, No. 4, reads as
10 follows:

11 "The environmental studies conducted by
12 government and industry for the proposed
13 natural gas pipeline indicate that if com-
14 petent procedures are now followed and
15 stringent regulations, contract specifications,
16 and monitoring systems are imposed, such a
17 pipeline might be shown to be capable of con-
18 struction and operation within acceptable
19 environmental impacts."

20 I simply mention that to indicate that this has been a matter
21 of debate within the groups that are interested
22 in that for some time, and I'll come back to that
23 when I touch on the question of the timing of the
24 hearings.

25 I had mentioned that it would
26 be helpful to all concerned if those who wish to come for-
27 ward would signify in some way and as I say, state
28 before the hearing the nature of their interest.

29 The manner in which this is
30 done, I've already indicated that interested

1 parties should be -- come forward, state their views
2 and be cross-examined or examined, and for some that
3 might be sufficient. Others like CARC will want to
4 follow the matter through from start to finish. I've
5 indicated how that could be accomplished.

6 The Assessment Group's report
7 is indicated as being ready for September of this year.
8 With respect, Mr. Commissioner, I think that report
9 should not only be distributed to the interested
10 parties but should be made an exhibit in these pro-
11 ceedings; and the people who are responsible for it
12 I think should be tendered for cross-examination. I
13 think that would meet one of the points that Dr. Lucas
14 was mentioning.

15 I'm not sure what the -- how
16 the gathering up of the staff for the Commission, how
17 it is ^{at} at, but it's obvious that it would be desirable,
18 if I may say so, for it to avoid a duplication of work
19 with respect to that being done by the Assessment Group.
20 I don't mean to suggest that the Assessment Group is
21 your staff, but on the other hand it would be unproduc-
22 tive if the work that it has been doing has to be
23 duplicated by somebody else. Certainly the Assessment
24 Group appears to have been working for a considerable
25 period of time. They all appear to be highly qualified
26 people, and I assume their report, although binding on
27 no one, will be of assistance.

28 The third point that you
29 asked about is the use of enquiry officers. I will
30 have to get further instructions on this, Mr.

1 Commissioner, in light of some of the suggestions
2 that have been made this morning, which are very inter-
3 esting; but if by "enquiry officer" was meant a person
4 who could take evidence and present that evidence as
5 the evidence of somebody else, but as evidence within
6 the Commission, I think it might ultimately prove to
7 be less of an advantage than it seems to be on the
8 surface.

9 If a view is expressed and
10 was brought before the Commission second-hand, as it
11 were, through an enquiry officer, and exception was
12 taken to that view by anyone here, then an application
13 would no doubt be made to you to bring forward the
14 original person for cross-examination. I am now
15 expressing a personal view, I am much more impressed
16 with the idea that people here be fully informed of
17 the nature of the application and be given every
18 opportunity to come before you, than I am with the
19 idea that a number of people should be dispatched who
20 can take evidence and then bring it before you. We
21 will be giving some of the considerations — some of the
22 suggestions that were made this morning, greater con-
23 sideration, and we hope to have some more definitive
24 statement to make later on.

25 I've already indicated, Mr.
26 Chairman, that we think the question of timing is one that
27 can be achieved within a frame a little differently
28 than has been suggested so far. We think that a good
29 part of your work can be done this summer, and it
30 seems to me that some of the people who appeared here are

1 far too modest, they have indeed done a lot of work
2 on this already and I think that they're ready for
3 the main hearings after the Assessment Group's report
4 comes in. When I say "main" I am referring more
5 to the question of technical evidence.

6 I have nothing further to add
7 at this point, Mr. Chairman. —

8 THE CHAIRMAN: Well, there
9 may be others here who wish to make statements about
10 this whole question of the best way to go about con-
11 ducting this enquiry. I am not asking for everybody
12 in the hall to say something about this, but if any
13 others did come anxious to speak and have something to
14 say, if you wish to do so now, certainly you may.

15 MISS MacQUARRIE: May I come up there?

16 THE CHAIRMAN: Yes, please do.

17 MISS MacQUARRIE: Mr. Commis-
18 sioner, my name is Jo MacQuarrie, and I'm executive
19 director of the Mental Health/Northwest Territories, a
20 division of the Canadian Mental Health Association.
21 I will read this because I'm terribly nervous:

22 "We, the members of Mental Health/N.W.T., a
23 division of the Canadian Mental Health Association,
24 wish to inform you of our intention of presenting
25 a brief to the Mackenzie Valley Pipeline Enquiry.
26 We urge you to hold the hearings in as many set-
27 tlements located along the route of the proposed
28 pipeline as possible so that concerned residents
29 may express their views.
30

1 We also urge that the principal aspects of the
2 application be made known as soon as possible
3 to the people in their native languages
4 through public information programs. The people
5 must be well informed so that they can effectively
6 make their wishes known.

7 Native organizations are not always completely
8 representative of the total population, and those
9 not represented must be given full opportunity
10 to express their views.

11 We believe that a firm condition,"
12 and I want to emphasize this very strongly,

13 "a firm condition to the building of the
14 proposed pipeline must be the development
15 and provision of Mental Health Services and
16 facilities within the borders of the Northwest
17 Territories."

18 I would like to add that at
19 present any residents of the Northwest Territories who
20 are suffering from mental illness must be sent to
21 southern points for treatment, and we feel that as
22 residents of Canada they are entitled to these facilities
23 closer to home.

24 THE CHAIRMAN: Do you have
25 a copy of your statement, ma'am? Thank you.

26 (LETTER OF MENTAL HEALTH/NORTHWEST TERRITORIES
27 DATED APRIL 22, 1974 MARKED EXHIBIT 9)

28 THE CHAIRMAN: Is there anyone
29 else who has a presentation to make? If not, I think
30 what we -- excuse me, yes?

1 DR. THOMPSON: The procedure is
2 a little unusual, but I found myself the applicant
3 against Mr. Goldie responding ---

4 THE CHAIRMAN: Well, Mr.
5 Thompson, could I interrupt you, if you'll forgive me
6 for a moment? I thought what we might do now, or at
7 least after lunch if that's more convenient for all
8 concerned, I thought what we might do is perhaps
9 invite all of those who have already spoken to come
10 to the front and maybe we could invite Dr. Fyles and
11 Dr. Rennie and Mr. Weick to also come up and we could
12 perhaps sit in a bit of a semi-circle here and the
13 representatives of all the bodies concerned would have
14 an opportunity of making further remarks on the basis
15 of what's gone before.

16 Now it seems to me that might
17 be better than taking turns coming up to the front
18 again, and that's what I propose to do. I was going
19 to say that it might be better to break for an hour
20 or so for lunch, and then we can re-arrange the tables
21 and come back this afternoon and carry on in that
22 fashion. If there's no violent objection to that
23 procedure, that's --

24 DR. THOMPSON: Sir, just
25 one question. Will the procedures this afternoon
26 be recorded and on the record?

27 THE CHAIRMAN: Oh yes.

28 A VOICE: That's fine.

29 THE CHAIRMAN: This -- every-
30 thing is on the record, as far as I'm concerned, or

1 it better be; and anybody that wants a copy of the
2 order-in-council and Pipeline Guidelines, we have
3 extra copies here if anybody doesn't have them, and
4 you can get from Dr. Fyles -- I say this for the
5 benefit of Arctic Gas and CARC, the Indian Brotherhood
6 and the Metis Association, you can get from Dr. Fyles
7 a copy of the membership of the Assessment Group so
8 you can take a look at that during lunch, if you wish,
9 and we'll come back here at 1:30 and start in again.
10 So we'll adjourn for lunch.

11 (PROCEEDINGS ADJOURNED TO 1:30 P.M.)

12 (PROCEEDINGS RESUMED PURSUANT TO ADJOURNMENT)

13 THE CHAIRMAN: Well, we'll
14 come to order again, if everybody's here.

15 This afternoon maybe we
16 could just go from left to right or right to left,
17 whichever way you want. I thought it might be helpful
18 if you wish, if I were to ask Dr. Fyles, who is
19 sitting over here with Dr. Rennie and Mr. Weick, to
20 outline the people in the Assessment Group, and to
21 talk to you about what they are doing and what they
22 intend to do, and then maybe we could carry on down
23 the line from there. Would that be all right?

24 Well, Dr. Fyles, would you
25 introduce your colleagues and then just tell us what
26 you're engaged in doing?

27 DR. FYLES: Yes, Mr. Commis-
28 sioner. On my left is Mr. Ed Weick, who is responsible
29 for organizing the brief on socio-economic part of
30 Assessment's activities.

1 On my right is Dr. Rennie,
2 who is responsible for organizing the environmental
3 part.

4 As many of you know, the
5 pipeline application Assessment Group is a governmental
6 group assigned to appraise and review the Canadian
7 Arctic Gas application in terms of the socio-economic
8 environmental implications of the proposed project
9 within the Northwest Territories and the Yukon. The
10 Assessment is designed to be generally useful
11 to the government agencies, both federal and territor-
12 ial, that are concerned with the application. These
13 principally are agencies of the Indian and Northern
14 Affairs, Department of the Environment, Governments
15 of the Northwest Territories, Yukon and the National
16 Energy Board, and of course this enquiry is included
17 in the list.

18 The group will proceed independ-
19 ently in doing its task and findings will be released in
20 a public report. These findings will not be binding on
21 any group but various groups may choose to adapt them
22 to meet their own interests and their own responsi-
23 bilities.

24 The group operates under and
25 reports to the Environmental-Social Committee of the
26 Task Force on Northern Development. It is, however,
27 separate from the environmental social
28 research program which the Environ-
29 mental-Social Committee also operates, and is not
30 tied to the findings of that program but rather it
would draw from all previous studies and presently

1 available information. In conducting the assessment
2 particular attention will be paid on the environmen-
3 tal and social concerns set out in the 1972 Guidelines
4 for Northern Pipelines.

5 The group has been brought
6 together to take advantage of the expertise residing
7 within the government and to use the available to
8 the government in a co-ordinated way. A core
9 group has been seconded on a full-time basis and
10 the members of that group are in the list we have
11 distributed. These people are mainly from sources
12 within Indian Northern Affairs, Department of the
13 Environment, and Mining Resources, and the Territorial
14 Government.

15 This group is to draw very
16 substantially upon a number of additional scholarly
17 people on a short-term basis as and when required from
18 various sources within the government and perhaps from
19 consultants picked up from elsewhere.

20 THE CHAIRMAN: Thank you, Dr.
21 Weick. Do you wish to add anything, Dr. Rennie?

22 DR. RENNIE: Not at this time,
23 Mr. Chairman.

MR. WEICK: Not at this time.

24 THE CHAIRMAN: Well, Dr.
25 Thompson, I will come to you next, if there's any-
26 thing you wish to say, or any matters you wish cleared
27 up, that can be cleared up now by Dr. Fyles or anyone
28 else who is present today. Carry on Dr. Thompson,
29 sorry.

30 DR. THOMPSON: Thank you.

1 Mr. Chairman, would it be appropriate to in effect
2 address a couple of questions that Mr. Fyles might be
3 able to answer?

4 THE CHAIRMAN: Yes.

5 DR. THOMPSON: I think Mr.
6 Goldie mentioned the possibility that the members of the
7 Assessment Group should in effect file their report as
8 an exhibit in these proceedings, that they should be
9 expert witnesses and subject to cross-examination on
10 their report. Might we ask Mr. Fyles if that is --
11

12 THE CHAIRMAN: I think I can
13 answer that, and say that that is under consideration.
14 I think that the view that Mr. Goldie expressed, which
15 I take it you share --

16 DR. THOMPSON: Yes, we would
17 share that view.

18 THE CHAIRMAN: -- and I
19 assume everybody else is inclined to share it, I think
20 I can say that will be given consideration.

21 Anything you wish to add, Dr.
22 Fyles?

23 DR. THOMPSON: I would like to
24 comment on what was an implication, in I think Mr.
25 Goldie's remark and remarks earlier concerning the role
26 of the /Assessment Group, and that was the suggestion that
27 would be a duplication of effort, and I assume he meant
28 in effect -- well, I'm not sure just what he meant.
29 If he meant that a duplication of effort of the
30 Assessment Group do an assessment of the

1 application and supporting material, and at the
2 same time have organizations like ours do an assessment
3 of their own and in turn these would be supported in
4 part by funding from the Commission.

5 I think that there is some quite plain answers
6 about this, and we're not suggesting that our group
7 would undertake any imperical work. This is not
8 field work what we're talking about, of the kind that
9 has been so extensively under review by the applicant and by
10 the government departments over the last four years.
11 I don't think the Assessment Group plans to do imperi-
12 cal work; rather they are, I would imagine, going to
13 review the very extensive literature and the very many
14 reports that are now available, and to gather together
15 all that information and to assess the conclusions that
16 are expressed in them and implicitly made in the way
17 the material was presented to you by the applicant.
18 That's an opinion only, and we don't see that it's
19 any duplication for us or for any other group that
20 thinks that they would like and are capable of expressing
21 an opinion, we think that it's quite clearly proper
22 that other groups be entitled to undertake that kind
23 of role.

24 Otherwise we're in the
25 position where the only opinion -- and there are many,
26 many areas of opinion, in assessing environmental
27 and socio-economic data and that the only opinion before the
28 Commission
29 / would be those of the applicant and those of government.
30 We think it's not the purpose of the public inquiry that
it should be limited to having before it the opinions

1 only within government and the applicant.

2 THE CHAIRMAN: Let me , just
3 so I understand you, you're saying that ARctic Gas
4 has undertaken field work. You're saying the Govern-
5 ment of Canada has already undertaken field work. You
6 say that CARC, if I may use that expression, will
7 confine its work to analysis of what has already been
8 collected and put forward. That's your point, is it?

9 DR. THOMPSON: Yes, that's
10 right.

11 THE CHAIRMAN: Carry on.

12 DR. THOMPSON: Also, it should
13 be clear how extensive that task is. In addition to
14 the applicant's material, many, many govenment publi-
15 cations , and to make an extensive review of that
16 material, to digest it, to form our views about it,
17 to test those by referring this material to experts
18 in the field who as I mentioned are available to us
19 This is a very time-consuming and man-hour consuming
20 project.

21 Now, Mr. Goldie also used
22 the term " modest ", and I think that he was infer-
23 ring that we had lots of time in effect to be ready for
24 this kind of role, and it should be understood that
25 while we have been, as a group, undertaken studies on
26 many matters of northern environmental policy, we've
27 undertaken studies on native land claims, questions
28 have come up, it's one thing to do a study of a general
29 nature; it's another thing to have before you an
30 application and reams of supporting material that you

1 directly have to deal with.

2 Now as a public interest
3 group with limited funding, we have to husband our
4 resources and quite frankly, until the application
5 was presented we couldn't begin to estimate when our
6 major concentrated effort would be undertaken and over what
7 period of time it would have to extend, and these all
8 have serious ^{budget} implications for us. So our point is
9 that there's no way that we could begin the detailed
10 kind of analysis that is necessary for us to make a presenta-
11 tion, there's no way we could have begun that six
12 months ago. We cannot really begin to respond to the
13 application until this period of time. It's in that
14 sense that we're asking for a realistic period of time
15 for preparing our position.

16 Somewhat in a related manner
17 one of the important subjects before this enquiry is
18 socio-economic regional effects. I think it's rather
19 unfair to say that this is a subject that has not had
20 the detailed kind of study that was given the document
21 presented to you by the applicant, and it's not had
22 that kind of study. This material is new to us, it was not
23 previously available. Now in the Yukon there was a Carr
24 Commission economic studies some years back, but as
25 far as we know, there has never been a comprehensive
26 regional economic evaluation --

27 THE CHAIRMAN: Excuse me, did
28 you say there was a CARC Commission study in the
29 Yukon?

30 DR. THOMPSON C-A-R-R. He was

1 an economist and he was commissioned, I believe, by the
2 Yukon Government to do a study of the economic potential
3 the Yukon, and he reported five or six or seven years
4 ago.

5 THE CHAIRMAN: Oh, I see.

6 DR. THOMPSON: The details
7 aren't clear in my mind now, but my point simply is that
8 there have been all kinds of environmental reports,
9 the literature's full of them. We've been able to
10 follow this, we have a fairly good idea what these
11 environmental issues are, so much that we can make
12 this statement that we made in our CARC statement of
13 objectives. We think that the time is ripe now
14 where there have been sufficient studies done that
15 the whole matter can be brought forward and studied,
16 in the terms of this Commission.

17 But the socio-economic
18 side is new, and that's another reason why we need time
19 to be able to respond. Even the framework of that
20 kind of study is something that we're going to have to
21 enquire about. The study is presented in terms of
22 sort of two absolutes, a pipeline - no pipeline.

23 I can only conclude in
24 saying we really have to have that time if we're going
25 to be able to make any adequate response to that
26 particular subject.

27 Oh, one other matter, and
28 I'm not sure I understood clearly Mr. Goldie's sugges-
29 tion as to how the formal part might proceed. I think
30 -- am I correct in assuming, if I can direct a question

1 to Mr. Goldie -- I understood him to mean that he
2 would present all of the formal evidence, the whole
3 case, all the expert witnesses, one after the other,
4 without cross-examination as you went along.

5 THE CHAIRMAN: Well, I wonder,
6 Mr. Goldie no doubt is taking note of the points you've
7 made and as we go along we'll reach him and we can come
8 back to you, and keep going around till everybody's had
9 a chance to meet what everybody else has said; and I
10 may say that I'm quite prepared to carry on this
11 evening and tomorrow morning as well, so don't anyone
12 feel that you must hurry anything you wish to say. But
13 I'd rather we went in order instead of you talking to
14 Mr. Goldie and him replying.

15 DR. THOMPSON: Well then maybe
16 I could just conclude briefly by stating what my ques-
17 tion is. If I understood his comment on procedure, it seems to
18 me that wouldn't be a very efficient way to go about
19 it. It seems to me that if he put all of his
20 case in in one long session, and then came back at a
21 later time to do your cross-examining and what-not,
22 you actually use up a lot of time in the way you have
23 to continually refresh the Commission as to what the
24 evidence in chief was all about. It would take a lot
25 of convincing to convince me that the best way to do
26 it is not to put panels of experts on quite clearly
27 specific points, and go through examination and cross-
28 examination. Thank you.

29 THE CHAIRMAN: Yes. Anyone
30 else in your group, Dr. Thompson?

1 MR. BEEKHUST: I wonder if I could
2 make one comment on what Dr. Fyles said? He indicated
3 that the Assessment Group's conclusions would be
4 available for adaptation by any other group. That is
5 to say that the question of assessment is a question of
6 of interpretation, and it would be my guess that it
7 would be extremely difficult for the Indian Brotherhood or the Metis
8 Association or COPE or CARC, to take his interpre-
9 tation and adapt it for their own perspective. It's
10 just not possible to conduct that kind of adaptation.

11 THE CHAIRMAN: Excuse me.
12 I'm sorry. Would you repeat the point? I'm not getting
13 it.

14 MR. BEEKHUST: Dr. Fyles said that
15 their conclusions would be possible for any other group,
16 and I quote, "to adapt their findings". I am suggest-
17 ing it's very, very difficult because what they're
18 doing is a question of interpretation to adapt their
19 findings. Their findings would in fact be their
20 interpretation of the application, and the interpreta-
21 tion that will be applied by the groups that addressed
22 the enquiry this morning will, I think, follow a quite
23 different perspective.

24
25
26 THE CHAIRMAN: I see.
27 Miss MacQuarrie, do you wish to add anything at this
28 time?

29 MISS MacQUARRIE: I'd like to
30 wait.

1 THE CHAIRMAN: Miss Hunt?

2 MISS HUNT: I don't have a
3 great deal to comment on this afternoon. We will be
4 making a presentation at Inuvik.

5
6 THE CHAIRMAN: Yes. Well
7 certainly, I hope that they will be aired fully
8 at Inuvik.

9 Mr. Raddi, do you wish to
10 add anything further at this time?

11 MR. RADDI: No, thank you.

12 THE CHAIRMAN: Mr. Pimlott?

13 MR. PIMLOTT: No.

14 THE CHAIRMAN: Mr. Goldie?

15 MR. GOLDIE: Thank you, Mr.
16 Chairman. If I'm not expressing my ideas clearly, one
17 of the reasons is that I'm accustomed to be on my feet and
18 sitting down I am not doing too good a job, obviously.

19 First, on the question of
20 the duplication of effort as between CARC and the
21 Assessment Group, that was not what I was directing
22 my comment to. My concern has been dealt with by
23 the observations Dr. Fyles has made. I was talking about
24 the concern of the Assessment Group and your staff
25 possibly duplicating effort in the field. Now, as
26 I understand it, neither CARC nor the Assessment Group
27 intend to do field work. They are going to take the
28 field work that exists, which is in part the applicant's,
29 part government reports and so on and so forth, and
30 they're going to assess that in their own way and

1 express their own opinions.

2 We couldn't have any objection to that. That indeed
3 is the reason for having interested parties, is that
4 they are here to express their opinions on what we would
5 hope is now ^{to be treated as} pretty basic data, so I can assure Dr.
6 Thompson that I wasn't trying to cut down the role he
7 was endeavoring to play.

8 I think, as I mentioned, that
9 both Dr. Thompson's remarks and Dr. Fyles' remarks
10 should be of assistance to you, Mr. Commissioner, be-
11 cause it indicates that they will be directing
12 their attention to, as I said, the assessment of basic
13 data.

14 The next question that Dr.
15 Thompson raised was the procedure with respect to the
16 applicant's witnesses. Again, I must apologize. If the
17 suggestion was conveyed that there would be a group of
18 expert witnesses who would sort of speak one after
19 another, and cross-examination was to be deferred until
20 the end; I did not intend that. Witnesses or
21 panels of witnesses will be called to speak to specific
22 points. I would assume that cross-examination would
23 follow with respect to those points. I quite agree
24 with Dr. Thompson that the idea of deferring cross-
25 examination until the end might pose some difficulties.

26 I don't know that I have
27 anything further to add at this time, Mr. Commissioner.
28 I think there is possibly one further point that I
29 should raise, and it arises out of a remark that Dr.
30 Thompson made in which he suggested that the applicant's

1 application was deficient or defective. I forget
2 which word he used, and I don't suppose it matters
3 too much. Now that could be understood in two ways.
4 It could be understood in a legal way in the sense that
5 there is a standard against which the application is
6 to be measured, for compliance with requirements.
7 Now if that's the sense in which it is made, we should
8 establish a procedure in which that can be tested.
9 I would suggest that that's the sense that Dr. Thompson
10 intended, that possibly an application should be
11 made -- I'm beginning to use lawyer phrases --

12 THE CHAIRMAN: Your client
13 has made an application, that is why we are here.

14 MR. GOLDIE: Well, he should
15 perhaps consider bringing on somewhat more formally
16 than was done this morning the proposition that the
17 applicant's application is defective in the sense of
18 not reaching that threshold of requirement, and that
19 might require a ruling from you, and possibly a good
20 time to do that might be on the Ottawa preliminary hearing
21 that you've scheduled, so that we can establish
22 whether there is a legal impediment to the application
23 being heard.

24 Now the other sense in which
25 that might be meant is this, that from the standpoint
26 of dealing fully with all the matters that might be
27 taken into account, there are areas that he would
28 like to see more or better evidence. If it is meant in
29 that sense, then I think we have to deal with that
30 as we go along, and deal with it in specific terms.

1 If there is a complaint that a certain witness has
2 not produced sufficient material or something like
3 that, then I think we have to deal with that in
4 specifics and not in generalities.

5 I don't know whether I'm
6 making myself too clear, Mr. Commissioner, but that
7 word "defective" certainly suggests a possibility of
8 a legal impediment and I think we might get that out
9 of the way.

10 THE CHAIRMAN: Mr. Sutton,
11 do you wish to -- I'm sorry, Mr. Whitford, do you wish
12 to go next? Whatever you and your group wish to do,
13 I'm lumping you in with the Brotherhood for the moment.

14 MR. SUTTON: Could I say
15 something first on behalf of all the native people?
16 This is in response to some of the things Mr. Goldie
17 said this morning. His suggestion is, as I under-
18 stood it, was that community hearings
19 which have been called informal hearings, should be
20 held in the summertime and gotten over with, to be
21 followed by one so-called formal hearing. Now the
22 suggestion that we get from that is that Mr. Goldie
23 is somehow or other reducing the importance of these
24 community hearings to relative insignificance
25 and the point of the native organizations is that
26 community hearings are by and large the most important
27 aspect of the hearings because they concern the par-
28 ticipation of the very people who stand to be affected
29 directly by this proposed project. So we think that due
30 emphasis should be placed on the importance of these

1 community hearings and that instead of calling them
2 informal hearings, we call them community hearings,
3 but not hearings in a legalistic sense, that they
4 be definitely structured in such a way to ensure
5 the maximum participation of the people in the commun-
6 ities and that they be conducted in the presence of all
7 parties interested in these hearings.

8 The primary purpose of these
9 community hearings is to ensure an input into the
10 hearings, maximum input of the people who stand to
11 be effected.

12 Concerning the more formal
13 hearings, the native organizations feel that there
14 should be a number of these hearings and that they
15 be held in at least three communities, larger communi-
16 ties, which would serve to ensure the regional
17 emphasis on the hearings.

18 Reference was made this
19 morning to the Great Bear Hydro project which is included
20 in part of the application, that there is a very
21 definite regional impact concerning a number of
22 communities, and that the people from the communities
23 be allowed to participate in these more formal hear-
24 ings and that there also be one formal hearing in one
25 of the native communities most directly affected.
26 So as to expose the community to the broad range of
27 the implications of this project, and that the hearings
28 be conducted with a definite community emphasis. There was also
29 a suggestion by Mr. Goldie that we are being modest
30 when we said that we did not have the resources, we do

1 not have the people to effectively participate in these
2 hearings. The organizations are not being modest,
3 they're being very candid; we simply do not have the
4 resources to go through that material and to ensure
5 that the organization's have an input, and at least
6 we get some of that input to the community.

7 There was also expressed
8 that a quick settlement of the land issue was desir-
9 able. The organizations would like to see the land
10 issue settled as soon as possible, but by no means
11 do they want a quick ill-prepared settlement imposed
12 upon the people, they want the time to do effective
13 research and prepare their claims, and currently
14 resources are being expended on these different program
15 areas which are defined by governments. One of those
16 is research and we just cannot spare the people from
17 these different program areas to concentrate on the
18 hearings. We need additional funds and additional people.

19 There was also a comment
20 that the pipeline might be ^{built} without prejudice to the
21 land claims, we do not see how it could be without
22 prejudice to the land claims when we don't yet have
23 a clear idea what the settlement will be, what form
24 it will take. Moreover, the land claims in relation
25 to the pipeline is viewed in a much larger context
26 in the feelings of the organizations. The pipeline cannot
27 come before a land settlement because it is only in
28 the context of a land settlement that the people can
29 protect themselves. It would be small comfort to
30 the communities if the pipeline were built without

1 prejudice to the land claims, and in the process the
2 communities were devastated.

3 There is the further point
4 that I do not see how the right-of-way could be granted
5 without prejudice unless, as Mr. Commissioner, you
6 pointed out this morning in your terms of reference
7 that you were examining this question on the assumption
8 that the lands were Crown lands, when in fact the posi-
9 tion of the organizations is that the lands are not in
10 fact Crown lands.

11 That is all, thank you.

12 THE CHAIRMAN: All right, could
13 I ask you a question, Mr. Sutton?

14 Mr. Erasmus, in his presenta-
15 tion on behalf of the Brotherhood this morning raised
16 the question of community meetings or community hear-
17 ings. Now, you just now suggested that they be
18 described as community hearings. If I were to proceed
19 in that way, given adequate preparation within the
20 community, to enable the people within the community
21 to make known their views about the pipeline proposal,
22 do you think, do the representative of the Brotherhood
23 with you think that the kind of meeting we're having
24 here might be a suitable kind of meeting to hold, a
25 suitable kind of community hearing to hold? You don't
26 have to commit yourself in any way, and I'm not
27 committing myself, I just want to know if I am getting
28 the thrust of what you're saying?

29 MR. ERASMUS: If I may be per-
30 mitted to speak, I was going to speak on the communi-
ty hearings.

1 I think it all ties in with the suggestion of Inquiry Officers.

2 I think we were thinking that we would not
3 recommend government enquiry officers and that as
4 you stated earlier, that if there were to be field
5 officers in any way involved in preparing people for these
6 hearings, that they should be directly connected to
7 native organizations. In relation to the community
8 meetings, it is our experience that there are community
9 meetings and there are community meetings. The
10 extent of participation of community people to the
11 extent that the more influential people get involved
12 in community meetings depends directly on who calls
13 the meeting. It depends directly on how much
14 sort of community respect and trust these persons have
15 that get involved in the preparation for these kind
16 of community meetings.

17 It is our experience that even
18 when the Brotherhood or other native organizations
19 are going about to call a community meeting, there
20 are certain things you do before hand. You have to
21 have a fairly respected member of the community in-
22 volved in calling the meeting. The person that goes
23 to speak to a respected person has to have an aura about him,
24 a respect from the community, that the matter at hand
25 is an important one that the people will deal with it. There have been
26 many times when government men have called meetings
27 seemingly of significant importance to government but
28 because of the way they've done it, because of the way
29 the person involved in calling a meeting, there were
30 very little attention to it not to say that the position

1 of the person in relation to the Federal Government
2 or companies, whatever, were not of respectful, you
3 know, but in relation to the community, in relation
4 to the way they react to what they recognize as their
5 form of procedure to matters of importance, to such
6 procedure which we think we can play a part in.
7 This is why we are not recommending the idea of enquiry
8 officers. I think it would be up to us, given the
9 time that we need to prepare ourselves, given the
10 time we need to interpret the information that has
11 been supplied, given the time for us to look at alter-
12 natives to the pipeline, things like railroads or what-
13 ever. There's a lot of time needed for translation
14 of these hearings into their native languages of the
15 Indian nation. You may be amazed how much time will
16 be needed to invent the kinds of words, composition
17 for words like "gas", the definition between "gas"
18 and "oil". A person might spend an extensive period of
19 time just to define the different kinds of levels
20 of petroleum.

21 But anyway, there's a need
22 for a lot of time. Now if we were given this time,
23 if we were allowed to play a significant role in
24 organizing community meetings, I think that they
25 would be very well worthwhile and they might run to
26 something like this, but I think there would be a lot
27 more native people there. I think it would be very
28 important that representatives of the oil companies be there.

29 I think that it's significantly important that
30 if possible the commissioner himself would be there

1 rather than other people that would interpret to you
2 later on the community needs. I don't think we
3 can possibly play down the importance of these meet-
4 ings. At the same time I don't think we can play
5 down the importance of the suggestion that at least
6 one formal hearing be in a native community so you
7 have a chance to hear all of the arguments and all
8 sides, and the community has a chance to
9 see and hear all of the pro's and con's and be able
10 to take part in it.

11 Something that I don't even
12 want to bring up is the fact that at such a meeting there
13 will be an incredible demand for proper language
14 translation and you might find the proceedings very
15 very slow.

16 THE CHAIRMAN: Thank you, Mr.
17 Erasmus. Is there anything else that any member of
18 your group wishes to raise, Mr. Whitford?

19 MR. WHITFORD: Yes. Of
20 course the position of the Metis Association has been
21 and continues to be that we are opposed to any kind
22 of resolution of the Mackenzie Valley gas pipeline
23 application until native claims are fully and fairly
24 resolved. We must adopt this position particularly
25 because our rights have been ignored so long. The
26 Metis and non-status people are unique amongst the
27 native community insofar as their need to place their
28 case before the community people have been ignored by
29 government, on the basis of definition imposed upon
30 us which is illogical and unjust. We have been
excluded from consideration for support which is our

1 right, and our efforts to document our claims, we have
2 to rely wholly on the work accomplished by our brothers
3 in the other native organizations.

4 There will be no doubt that
5 while we will continue to seek funding in this regard,
6 we stand foursquare with them on this issue.

7 Now I bring these two para-
8 graphs to your attention, Mr. Commissioner.

9 The Metis Association has been
10 organized two years ago and of course it's come a long
11 way in the last two years; but the point is that we
12 illustrate that we've never had the opportunity of
13 being able to receiving funding from the federal
14 agencies to study the Metis movement as far
15 as the claim issue is concerned. At this time I
16 would bring this out that we honestly feel in the
17 interests of equity, fairness, justice for all inter-
18 ested parties in the native land claims issue, it is
19 essential that the native people, the Metis people
20 be allowed to accept legal or other professional
21 opinions to adequately research and prepare our
22 settlement position.

23 With that we have a better
24 opportunity of doing this, but we whole-heartedly join
25 the Indian Brotherhood to present the case that we
26 hope you will consider.

27 THE CHAIRMAN: Thank you, Mr.
28 Whitford. Is there any other member of your group, Mr
29 Erasmus or Mr. Sutton who have anything further to say?
30 We'll get back to you later if there's something you

1 wish to add, I think I should say something about
2 the community hearings.

3 I think I can safely say that
4 I would prefer to go into the communities myself and
5 to conduct the community hearings. The only basis for
6 suggesting that an enquiry officer might do that, it
7 would be if it were sought to hold a community hearing
8 in a way that would be much more informal than the
9 hearing today. But if the kind of hearing that we
10 have today is, not perhaps on that scale, but is kind of
11 thing would be acceptable and appropriate within the
12 communities, that might be something that we can do.
13 Anyway, I'm grateful to you for outlining the whole
14 concept in some detail.

15 Well, I wonder if we could
16 come back to this side, Dr. Fyles, and if you could
17 tell us whether Dr. Thompson is right in suggesting
18 that the Assessment Group will not be doing any field
19 work but will rather be confining itself to an analysis
20 of the Arctic Gas application? Can you comment on
21 that?

22 DR. FYLES: Yes. It's correct
23 that we don't anticipate undertaking new field studies,
24 new field work, basically an analysis of the application
25 in relationship to the various studies that have gone
26 on and which are going on and which are available from
27 one source or other. If, in the process of doing
28 this, we come upon a point which we cannot resolve,
29 then we will have to do something on a very rush basis
30 to clear up the uncertainty. But it isn't part of our

1 basic plan.

2 THE CHAIRMAN: Anything else
3 you wish to add in light of what any of the other --

4 DR. FYLES: I would like to
5 take up a comment which was made about other groups
6 adapting the results of our Assessment Group. Perhaps
7 I used the word inadvisably. Of course, it is correct
8 that we are doing or will be doing an interpretation
9 and doing it as objectively as we are able to do it.
10 I would hope that we can do it in such a way that the
11 results will be useful to other groups, and the idea
12 I had in mind of saying "be adapted" is that I think
13 there will be plenty of scope for people to take
14 material out of the factual statements and use that
15 factual statement for what -- in whatever role that
16 it needs to operate.

17 Perhaps that clarifies the
18 question. I hope it does.

19 THE CHAIRMAN: Anything you
20 wish to add, Dr. Rennie?

21 DR. RENNIE: No.

22 THE CHAIRMAN: Mr. Weick?

MR. WEICK: I don't think so.

23 DR. THOMPSON: Mr. Commissioner,
24 we're certainly convinced that the Assessment Group's
25 role is important and will help us a great deal
26 We contemplate that we would use the reports which Dr.
27 Fyles and his groups will be preparing. We hope that we will
28 be siding with their recommendations in more situations
29 that what we disagree with. I think it is clear that is
30 an important position.

1 Mr. Goldie raised the question
2 of the sufficiency of their application, and I think
3 that at this moment our position is that there will be
4 respects in which, in our contention, they will not
5 have adequately addressed issues in the application,
6 in the material filed. I think that's essentially a
7 matter of evidence and I think, as indicated, that
8 that's the sort of thing that would be dealt with as
9 we go along.

10 With respect to there being
11 a deficiency in a technical-legal sense, we haven't
12 a position in this respect, partly because we are
13 somewhat in doubt as to exactly the status of say the
14 guidelines, when the guidelines were announced, it
15 said "the requirement to which the applicant must
16 conform". I suppose what we were saying earlier is
17 that as we read the guidelines and to the extent that
18 we've now had an opportunity to look at the applica-
19 tion, we think, particularly in the matter I mentioned,
20 the question of the corridor and the first trunk pipe-
21 line, that there is a case where the application did not
22 deal in the fashion the guidelines required. Whether
23 that is what you call a legal objection or not, I
24 don't know.

25 We also hope that the appli-
26 cants will deal at a certain point with the request
27 they made on page 11 of the application, to the
28 Department of Indian and Northern Affairs, Paragraph
29 16. We hope that at some early stage the applicant
30 will make clear what they have in mind here because
one reading of their request is that the Minister

1 should in effect waive the requirements, if I could
2 put it that way, of the land use reservation. This
3 application at this hearing is as if it were an appli-
4 cation blanketing and covering all of the particular
5 land use operations that would be defined in the land
6 use regulations, and that the issue of your report
7 would be authorization to issue all necessary permits.
8 Were not clear exactly what the applicant's position
9 is. Similarly with respect to paragraph (c) under
10 16, page 12, there's a reference to use of
11 and there is, of course, the Northern Inland Water
12 Act and it has certain statutory requirements respect-
13 ing the issue of authorizations, and again our ques-
14 tion is to know exactly what the applicant means in
15 paragraph 16.

16 Their response there may give
17 rise to some legal consideration.

18 THE CHAIRMAN: Could I -- I
19 think I should say at this point that Mr. Pimlott
20 raised a question this morning, whether there had
21 been a revision of the expanded guidelines. I under-
22 stand that there has been no revision of the expanded
23 guidelines.

24 Mr. Pimlott also raised the
25 question of --

26 MR. PIMLOTT: Page 11, para-
27 graph 4.

28 THE CHAIRMAN: Yes, oh yes,
29 whether the government had identified geographic
30 areas of specific environmental and social concern or

1 sensitivity in which it would impose specific restric-
2 tions concerning route or pipeline activities and
3 possibly areas excluded from pipeline construction.
4 I understand that no such geographic areas have been
5 identified in the sense in which that expression is
6 used in the guidelines.

7 I think I should also say
8 because Mr. Goldie raised this point on behalf of
9 Arctic Gas, addressing myself to a point Mr. Goldie
10 made, that the -- all of you should appreciate that
11 I am here to try to figure out, with your help, what
12 is the best way of conducting this enquiry. I want it
13 to be an open enquiry and I suppose, although, I
14 don't suppose it's strictly speaking necessary, but
15 I undertook a limited tour by aircraft of the river
16 between Fort Simpson and Wrigley yesterday, and I expect
17 to continue to investigate the Mackenzie Valley and to
18 get to know the people to find out what I can about
19 the things that concern us all here, and I will keep
20 you posted about my activities, but you will appreciate
21 that I am exposing myself to a risk of overhearing
22 what people say in coffee shops and all of that sort
23 of thing, but I'm sure you understand that I don't
24 intend to be a hermit when I am up here and not actua-
25 lly holding hearings.

26 The other thing I wanted to
27 say was that I have retained Mr. Waddell as special
28 counsel for administrative matters, but I intend to
29 retain hearings counsel, that is counsel to act as
30 Commission counsel for purposes of examining and

1 cross-examining witnesses, at the main hearings when
2 we get to them. I'm excluding the community hearings
3 from that at the moment because it may be inappropria-
4 te at community hearings to have examination and
5 cross-examination in the conventional sense.

6 Those are matters that I'm
7 outlining now so that all of you can either today or
8 in Inuvik or Whitehorse or in Ottawa say something
9 more about it. I have retained Dr. Vellerhals
10 of the University of Alberta, civil engineer, and he
11 will be on the enquiry staff.

12 I've also retained Dr. Gordon
13 Davies of Waterloo University, an ecologist who will
14 be on the enquiry staff.

15 I have also retained
16 Professor Michael Jackson of U.B.C., a member of
17 the law faculty, who is on the enquiry staff.

18 I'm not going to say any
19 more about what those people will be doing because
20 I haven't entirely sorted that out in my own mind as
21 yet. This being an open enquiry, I wanted you to
22 know that those people are available to me.

23 Well, I think that we were
24 with you, Dr. Thompson, and we'll carry on. Did you
25 wish to say something?

26 MR. BEFKHUST: I would
27 just like to make one point, Mr. Commissioner, I would
28 agree with Dr. Fyles and Dr. Thompson that any other
29 assessment of the application by the groups represented
30 here would draw on the work and conclusions to a very

1 considerable extent of the Assessment Group. That
2 does raise one or two small points.

3 Any group here who does
4 draw on Dr. Fyles' conclusions will need time to review
5 his conclusions and his work, and they may wish then to
6 utilize their own resource people to undertake, I
7 presume, not only the application but also the
8 Assessment Group's conclusions, and that has implica-
9 tions, I think, for the time length. Even if they
10 were to do that as soon as possible, I doubt that
11 any of the groups would be in a position to come to a
12 formal hearing for some weeks after the publication
13 of the Assessment Group's report, which I think is
14 anticipated in September.

15 The other point is that I
16 might just bring out that probably this Assessment
17 Group with a staff of 18 positions, two of which have
18 yet to be filled, and seven support positions
19 and I notice that at least seven Ph.D's seem to
20 be on the Committee, and that's a pretty high-powered
21 group, and any groups here who may wish to retain their
22 own consultants will obviously need considerable resources
23 to match the resources of the Assessment Group.

24 THE CHAIRMAN: While you said
25 that the members of your faculty were available to
26 the enquiry, all other things being equal, and you said
27 that you would prepare an outline of their fields and
28 their capacities, you might prepare that outline before
29 the enquiry reaches Ottawa on May 6th and 7th. If you
30 want to have it available then it might -- it's

1 something that I would like to examine. I'm not
2 of course committing myself in any way, but you did
3 raise it. It's something that I can't even consider
4 without knowing something about them and if you want
5 that to be considered you should prepare it, because
6 without it, I really can't say anything and neither
7 can anybody else here.

8 MR. BEEKHUST: Well, Mr.
9 Commissioner, I'd like to point out I didn't necessarily
10 say we'd send them to the enquiry, but they will be
11 available as a possible pool of resource people for the
12 organizations represented here, and it must be
13 remembered that any sort of a report I'd prepare for
14 the Commission would be a matter of hypothetical conditions
15 because these are people who have employment elsewhere
16 and they're not quite in the same position as the
17 consultants of the applicants or Dr. Fyle's group who are
18 on full-time staff concentrating specifically on these
19 matters. So in that sense nobody is prepared to
20 commit themselves until there's some commitment in
21 turn made to them.

22 THE CHAIRMAN: Well, that's
23 exactly what I'd like to find out, and then we can
24 look at it.

25 MR. BEEKHUST: It will be
26 hypothetical, these people might be available.

27
28 THE CHAIRMAN: Well, you
29 raised it, so if you wish to pursue it I'd like you
30 to do so before we reach Ottawa.

1 Yes.

2 MISS MacQUARRIE: Mr. Commis-
3 sioner, I'd like to point out that the Mental Health/
4 Northwest Territories is representative of the total
5 population of the Northwest Territories. We don't
6 divide along racial lines. We do recognize that vari-
7 ous groups will have special problems because of
8 culture and language difficulties, and even the inter-
9 pretation of Mental Health; however, we all do have
10 basic human responsive to stress and change, and
11 I don't think that these -- the mental health of the
12 people have been taken into consideration by the
13 applicant because studies of the effect of mental
14 health on, you know, the pipeline on the mental health of
15 or if it is included the people either hasn't been
16 gone into in the socio-economic study that has been
17 done by the Gas Arctic, these studies have not been
18 made known to the public.

19 I realize that they are going
20 to be very good and not so very good things that
21 happen with the building of the pipeline, and as I
22 pointed out this morning, we don't have any proper
23 Mental Health facilities in the Northwest Territories
24 at this time but we certainly do have an awful lot of
25 mental health problems.

26 With the building of the
27 pipeline there will be a great influx of southerners
28 to the north as well as the dislocation of native
29 people from their settlements as they move off to
30 the jobsites, and I really believe that before we
go any further that the applicant or concerned people

1 must certainly figure out what is the present state of mental
2 health of the people to be affected and what services are we
3 going to provide for them once the pipeline is built.

4 I don't know whether there
5 was ever a follow-up done in the field of mental health.

6
7 when the Alberta-- quite a few people took part in the
8 building of the Alberta Gas Trunk Line and if a follow-
9 up was ever done, perhaps they would indicate some
10 of the problems that we can anticipate in the north
11 after the line is built.

12 Our Association is a group of
13 volunteers and I'm afraid we don't have salaried high-
14 powered intellectuals to assist us, and I hope that
15 the Canadian Government as well as the people concerned
16 with building the pipeline will help us to ad-
17 just to the changes, perhaps through -- I hate to
18 mention money -- but perhaps through the provision of
19 funds so that -- or so that life skills programs can be developed
20 to help the people understand what's happening to
21 them and our goal, the goal of our Volunteer
22 Association is to have some day a psychiatric team based
23 in the Northwest Territories along with various psych-
24 iatric units that patients can be treated in, rather
25 than being shipped out. We have found that
26 although the provinces are very kind in letting us
27 use their facilities, often institutions are filled
28 with their own people and they don't have room for
29 us. So there is a waiting list for us to get out
30 there, and I think if they're already depressed and

1 require psychiatric unit and find that they're
2 rejected by that unit, there is no way to go but down.

3
4 THE CHAIRMAN: If you, Mrs.
5 MacQuarrie, or you, Mr. Goldie, wish to comment on the
6 suggestion that was made by Mr. Erasmus that if there
7 were field officers to go into the communities in the
8 valley to prepare the communities for community hear-
9 ings, this is all hypothetical, but Mr. Erasmus'
10 suggestion was those field officers should be nomina-
11 ted by the native organizations and I think it was
12 implicit in what he said that they should be native
13 people. When we reach Mr. Erasmus again he can tell
14 me whether I'm right or wrong in my assumption, but
15 if you wish to think about that and comment on it
16 later, you may; if you wish to comment on it now, you
17 may; if you don't wish to say anything, that's fine
18 too.

19 MRS. MacQUARRIE: I think
20 perhaps all of us have been thinking native in terms
21 of racial distinction. I'd like to find out here if
22 there are any whites who are native to the Northwest
23 Territories and are not necessarily qualified to
24 become members of their associations but those
25 who were born here and also those of us who
26 moved in in the last few years and expect to make this
27 our home, we consider that we are native to the
28 Northwest Territories now,
29 and we require a voice in these matters as well.

30 THE CHAIRMAN: Do you wish me

1 to pass over your group here?

2 MR. PIMLOTT: Mr. Commissioner

3 I wonder if I could make one comment with respect to
4 reverse procedures on the information that might come
5 from the enquiry through participating organizations.
6 In your letter you mention the fact that the report
7 of the Assessment Group is expected in September.
8 Many of us who have worked in government agencies or
9 have other types of action with them either on a
10 projection basis or a real basis, is not always the
11 same. If an organization is going to prepare for
12 the study of the assessment report, they would want
13 to schedule time and resources for that. It would
14 be quite disturbing if we did this on the basis of
15 the September date and the report was finally received
16 in November.

17 Similarly, with respect to
18 additional submissions to the enquiry, additional
19 documentation from the applicant, it would be very
20 valuable to participating groups if there could be
21 some advance notice that, for instance, the report of
22 the Assessment Group was on time and would likely be
23 delivered on September 24th, or that additional
24 documents would be submitted by the applicant on a
25 certain subject and it could be expected on the 1st
26 of November. I am suggesting that it's part of the
27 practice and procedures of this enquiry if there
28 could be that kind of a flow of information, it
29 would be very valuable to the participants, or potential
30 participants in the later hearings.

1 THE CHAIRMAN: Yes, thank
2 you.

3 MR. GOLDIE: Just with respect
4 to that last point, Mr. Commissioner, I take it that
5 if we followed my earlier suggestion of registering
6 with the Commission, then the material that came into
7 the Commission would be shipped out to those who are here as
8 interested parties.

9 I certainly have assumed that the Assessment Group's
10 report would be in by September 1st or September, I
11 think that was the month rather than the date; and
12 if there is any doubt about that then I would be glad
13 if Dr. Fyles would comment on that.

14 With respect to the applicant
15 there will be additional material consisting of some
16 further assessment of environmental work that has just been
17 more recently completed and there is one socio-economic
18 study; we expect that will be in the hands of all con-
19 cerned by June 1st. Basically, however, the material that
20 is before the Commission is the material upon which
21 the application is being made.

22 I'd like to clarify one
23 point or a couple of points Mr. Sutton made. Certainly
24 there is no intention on my part to suggest that the
25 community hearings were intended to reduce the import-
26 ance of those hearings. I was using the word "informal"
27 in the procedural sense. From my examination of your
28 terms of reference those hearings will be constitute a
29 very important source of your conclusions with respect
30 to the impact of the proposal.

I said this morning that we

1 were interested in the idea of community hearings.
2 We were giving it some thought and in principle we
3 see nothing wrong with it. I would like to give some
4 consideration to the details, one of which is the
5 point that was just raised by Mrs. MacQuarrie, and
6 that is to say who would undertake the job of prepara-
7 tion?

8 THE CHAIRMAN: Well, you can
9 think about that.

10 MR. GOLDIE: I'd like to
11 do that because it's an important aspect and I wouldn't
12 like to say anything without a very full consideration.

13 So far as the idea of holding
14 the -- for want of a better word -- the more formal
15 part of the hearings, we certainly don't have any
16 objection to something like that being held in the
17 community. I think the real problems are primarily
18 of logistics character, and that's what we want to
19 address our minds to. There's some reasons why we
20 suggested that the more formal part of the hearings
21 be held in one place was that we did not consider it a
22 good procedure to suggest a repetition of evidence
23 in a number of places.

24 THE CHAIRMAN: Did you say
25 this morning, Mr. Goldie, that you felt that the
26 formal hearings at which technical evidence would be
27 called, "technical" I take it means evidence of
28 engineers and environmentalists and so on, do you
29 suggest that those hearings should be held at Yellow-
30 knife?

1 MR. GOLDIE: Well, I used that
2 as an example, Mr. Commissioner, again primarily for
3 facilities. I wouldn't like to say there is a hard and
4 fast position that we are taking. I'd like to, if
5 I may, say -- repeat in part what I said this morning.
6 It may be of assistance now.

7 The exhibits almost constitute
8 the evidence in chief.

9 I would assume that a great part of the time of an
10 expert witness will be in cross-examination and it
11 would seem to me that there are very great benefits
12 if that did take place in one place, and conversely,
13 there would be a considerable disadvantage if an expert
14 was subject to cross-examination on the same issue
15 in half a dozen places.

16
17 Mr. Sutton made reference
18 to the Great Bear application. That is a hydro-electric
19 project. That of course is not part of the application
20 of Arctic Gas. I wouldn't want it to be thought that
21 it was at this stage.

22 I think one of the questions
23 that was raised that may require a little more
24 extended answer was with respect to paragraph 16 on
25 page 11. Of course, this application was addressed
26 to the Minister before this inquiry was set up and
27 it was intended to cover all matters which had to be addressed
28 to the Minister. Now, I don't propose to suggest to what
29 extent there is an omission in the terms of reference
30 of this enquiry with respect to those matters.

1 I think probably there is
2 certainly in connection with one of them. I don't think
3 I can usefully add anything more at this time. We are
4 giving the matter consideration and I will begin a
5 position to make a statement with respect to the format
6 of the preliminary hearing.

7 THE CHAIRMAN: Can I come back
8 to your group, Mr. Erasmus and Mr. Sutton? Can you
9 tell me whether your group will be represented at
10 Inuvik, Whitehorse and Ottawa, or not? Once again,
11 don't feel you have to commit yourself one way or the
12 other, but do you have any present plans to be at those
13 other places?

14 MR. SUTTON: We are seriously
15 thinking of being in Ottawa.

16 THE CHAIRMAN: I see.

17
18 Thank you. Is
19 your group going -- you told me about this this morning
20 but I've forgotten; would you mind telling me, Dr.
21 Thompson, is your group going to be at Inuvik, White-
22 horse and Ottawa?

23 DR. THOMPSON: We will be at
24 Ottawa and we will have a representative at Inuvik
25 and Whitehorse, but we are not intending to make a
26 major speech there.

27 THE CHAIRMAN: Yes, thank you.
28 And well I intend that after the three northern centres
29 after the preliminary hearings have been completed
30 at the three northern centres that transcripts should

1 be made available to all of the parties at the expense
2 of the enquiry regarding what has been said here and
3 in Inuvik and in Whitehorse, and there is a gap then
4 as you know, of a week, and then we will assemble in
5 Ottawa on the 6th of May, and I hope that the enquiry
6 can get that transcript to all of the groups repre-
7 sented here so that you'll have an opportunity to
8 consider some of these matters in the light of what
9 was said by all concerned in the transcript. I think
10 you're aware of the main points the group has made
11 but the transcript will be useful to you.

12 I think we were with your
13 group still, Mr. Sutton and Mr. Erasmus. Is there
14 anything else that you wish to add in the light of what
15 has been said by the other groups? Yes?

16 MISS NAHANEE: I would like
17 to say something in regards to translation. In my ex-
18 perience without a translation a lot of the Government
19 material is absolutely useless to the people. They do
20 not understand the English written version. I have had
21 an opportunity to translate and so have a few other
22 people. We find it extremely difficult and time con-
23 suming to adapt English written material into our own
24 language and dialect. There is the Dogrib, Slavey, the
25 Isuit all the way down the Mackenzie Valley, in trying
26 to translate the full meaning for the people. The
27 people have very basic concerns and they have a lot of
28 questions such as, who gives the leases to the
29 people who are out there on the land doing drilling
30 and moving around in helicopters and everything. They

1 are concerned about the regulations, who draws up the
2 regulations.

3 I heard someone mention the
4 Inland Waters Act, and game laws, you know, all these
5 things have to be translated within the concept of
6 any future development and it takes time and money.

7 THE CHAIRMAN: Yes, would
8 you give us your name?

9 MISS NAHANEE: Phoebe Nahanee.

10 THE CHAIRMAN: Thank you.
11 Well, Dr. Fyles, I think we're back to you. I think
12 there were one or two points that came up that you
13 may wish to comment on.

14 DR. FYLES: I don't know
15 whether I ought to comment on that at all.

16 THE CHAIRMAN: I've a feeling
17 you don't, then.

18 DR. FYLES: I don't think
19 it would represent a problem for us, the date as given,
20 we agree that is the date we will work to.

21 THE CHAIRMAN: Well, I think
22 I can safely say that if Dr. Fyles can't meet the
23 September date, he will let me know, and I can assure
24 you I'll let you all know if there is any change in the
25 date regarding the Assessment Group's report.

26 DR. FYLES: I believe Mr.
27 Goldie made a point which I didn't quite get.
28 Were you directing a question to me?

29 MR. GOLDIE: No, I think I
30 was echoing what Mr. Pimlott said that it would be

1 very helpful indeed if we were aware of any possible
2 shortfall in the September date.

3 THE CHAIRMAN: Well, I have
4 a feeling we're maybe reaching the end of the road
5 here. Dr. Thompson have you anything further?

6 DR. THOMPSON: Yes, I'd like
7 to mention something I think that concerns us. What if
8 there is an air strike by Controllers on May 5th?

9 THE CHAIRMAN: Well, my intention
10 is to go from here to Inuvik, then to Whitehorse, and
11 then to Ottawa, and I intend to carry on with the prelim-
12 inary hearings in Ottawa, May 6th and 7th, and I intend
13 to be there and I will get there somehow or other, and any
14 of you that intend to participate in those hearings
15 better make plans to get there one way or the other.

16 Once we're there, we'll hold
17 -- complete our preliminary hearings there. Whether
18 we'll get back again to our homes, I don't know, but
19 you had better plan on being in Ottawa May 6th because
20 my intention is, and it's a firm intention, to be
21 there and carry on.

22 DR. THOMPSON: Mr. Goldie in his
23 last remarks made it clear that the applicant intended
24 that schedule "A" be finalized -- a final statement,
25 the material to be presented to this Commission in
26 support of its application. I knew that they hadn't
27 completed preparation of much of their other material
28 but I wasn't sure whether that was going to be added
29 into it or not. It appears to me then -- we are going
30 to be making a firm submission at whatever time is

1 appropriate that there is other material listed in
2 Schedule 1 of the application to the National Energy
3 Board needs to be before this Commission to discharge
4 this responsibility.

5 THE CHAIRMAN: Well, you
6 made that point.

7 DR. THOMPSON: I made that
8 point.

9 THE CHAIRMAN: Well, you made
10 that point this morning, yes.

11 DR. THOMPSON: My final point,
12 referring back to something I mentioned this morning,
13 and that is the matter of funding. I think we've made
14 it clear that in terms of getting on with the analysis
15 in assessing through the summer months, we need to know
16 our position soon. If there is anything that should be
17 done prior to the Ottawa hearing in this respect in the
18 way of a presentation of a budget or anything like that
19 it is important that we be aware of that.

20 THE CHAIRMAN: You've said,
21 Dr. Thompson, that you are asking that this Commission
22 consider the matter of funding. I would suggest that
23 if the Commission should consider that matter that
24 you should prepare a statement before we go to Ottawa
25 of the personnel that CARC feels is going to be nec-
26 essary to enable it to do what it conceives to be
27 its duty with respect to this enquiry, and in as much
28 detail as you possibly can provide. I don't see how
29 I can even consider it unless there is something very
30 specific proposed. I think, Mr. Sutton, that I say

1 the same thing to your group, that you should be the
2 time we get to Ottawa have a statement ready for me
3 that gives me some indication of the number of people
4 that you group feel they need to do the job that they
5 feel they must do in as much detail as possible.

6 Well, does anybody else --
7 yes, Mrs. MacQuarrie?

8 MRS. MacQUARRIE: When you listed
9 your people that you have for advise, could I ask that
10 included in that is a psychiatric consultant or someone
11 from the Canadian Mental Health Association that perhaps
12 could advise as far as the mental health of the people
13 are concerned. Is that possible to consider as an
14 addition to your group?

15 THE CHAIRMAN: Well, it is
16 possible. Can you tell me whether the Canadian Mental
17 Health Association intends to appear in Ottawa at
18 preliminary hearings there? Do you know if they have
19 any plans to?

20 MRS. MacQUARRIE: Plans have
21 not been fixed because actually our local is very concerned
22 about this but we do have the support of the National
23 as well. I believe it is very possible that one of them
24 could appear.

25 THE CHAIRMAN: Yes. Would you
26 -- I suggest that you might speak to Mr. Weick of
27 the Assessment Group about that. Certainly it is a
28 possibility as far as the Commission is concerned to
29 retain someone in that field; but in the meantime you
30 might just speak to Mr. Weick, the gentleman at the

1 table seated next to Dr. Fyles, who is one of the
2 leaders of the Assessment Group who may be anxious to
3 discuss that with you from the point of view of the
4 Assessment Group.

5 Mr. Goldie?

6 MR. GOLDIE: Well sir, I'm
7 still not too clear on the point that Dr. Thompson
8 made with respect to this additional material. I'd
9 like to make it clear now that I would be prepared
10 to deal with that question in Ottawa on the 6th, and
11 I would hope there might be submissions ready to be
12 dealt with on that so that we can clear up that
13 question once and for all. It is the very firm sub-
14 mission of my client that the material which is yet to
15 be submitted by the National Energy Board relates to the
16 jurisdiction of that body, and if we are wrong, it is
17 important that we know that very soon, and I would like
18 to clarify that on the 6th.

19 THE CHAIRMAN: Oh, the
20 question whether it is proper consideration of regional
21 impact necessitates consideration of essentially
22 national impact. That answers your point, does it?

23 DR. THOMPSON: That is one
24 point, sir, but it is not the only example. The list
25 of material in Schedule 1 shows for example --
26 Now unless that material is presented before this
27 Commission we are taking it on the undocumented state-
28 ment of the applicant as to what the areas will be ,
29 where there has to be connecting pipelines and so on.
30 There would be nothing more impacting on the regional

1 economy of the Northwest Territories -- there is nothing
2 in the material filed which deals with the long time
3 financial interests of the Territory which is a most
4 important matter.

5 Now we are not suggesting that
6 this material isn't relevant to be presented to the
7 National Energy Board. What we are saying is that this
8 material is relevant to both applications, at least in
9 part.

10 In terms of addressing this
11 question and finalizing it on May 6th, we
12 would be in a position of doing that, but
13 I would think there will be other groups there who will
14 be caught by surprise if they have to finalize this
15 at that time.

16 THE CHAIRMAN: Well, are you
17 saying that your group intends to say something more
18 in some considerable detail about that on the 6th?

19 DR. THOMPSON: We could enlarge
20 on our argument as to the relevance of other elements
21 in the application before the National Energy Board,
22 the relevance of those elements to this application.

23 I am only saying, sir, that since
24 it is a preliminary hearing there would have to be some
25 way of notifying other interested groups who we know
26 will be there that this issue is to be argued and
27 finalized.

28 THE CHAIRMAN: Yes, yes, I see
29 your point. Well, at any rate Mr. Goldie and you
30 have since joined issue on this matter. I'll leave it

1 up to you to decide, both of you to decide whether
2 you wish to pursue it in Ottawa. I'm of course bound
3 by the order-in-council of March 21, 1974, and the
4 Pipeline Guidelines, but you will see that I am to
5 consider, according to paragraph (a) on the second
6 page of the order-in-council:

7 "social, environmental, and economic impact
8 regionally of the construction, operation and
9 subsequent abandonment of the proposed pipeline
10 in the Yukon and Northwest Territories, and
11 (b) any proposals to meet the concerns set out
12 in the guidelines."

13 I think that all of you might, in considering what
14 falls within the scope of this enquiry, bear (a) and
15 (b) in mind, as I know you have and I know you will.

16 Well, is there anything
17 further that anyone else wishes to say before we
18 close? Many of you will be in Inuvik and in Whitehorse
19 and in Ottawa, so don't feel that you have to hurry up
20 and say whatever you've got to say today, there will be
21 plenty of time and other opportunities. Yes?

22 MR. SUTTON: Mr. Commissioner,
23 I don't know how this fits in in the light of what
24 you have just said, but at the risk of repeating what
25 I think Dr. Thompson said this morning, that the
26 question of the Great Bear Hydro is a good example of
27 the way the organizations interpret the scope of the
28 inquiry in examining the terms and conditions of the
29 right-of-way, the enquiry would, on our interpretation,
30 be almost bound to examine the question of the Great

1 Bear Hydro even though it is not a part of the
2 application, and if there are other things that could
3 fall into the same range, such as their question of land
4 settlement. We feel it would be a mistake to focus purely
5 on the application when in the case of the Great Bear
6 Hydro, as we understand it, as planned is an integral
7 feature of the proposed pipeline

8 The people in the communities
9 affected have very strong feelings about the Great Bear
10 Dam. It seems somehow illölogical that the application
11 should be considered in isolation of that. The people
12 could not express their opinions on the dam and would
13 have to wait for some future hearing to express their
14 opinions on the dam.

15 THE CHAIRMAN: Thank you, Mr.
16 Sutton. Well, does anyone else have anything further
17 to say? I think then that I will adjourn the
18 enquiry until we meet in Inuvik on Wednesday at 10
19 A.M. at The Family Hall.

20 (PROCEEDINGS ADJOURNED TO APRIL 24, 1974)
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Canadian Arctic Gas Pipeline	
AUTHOR	
Mackenzie Valley Pipeline enquiry	
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Vol. I	
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11835

MACKENZIE VALLEY PIPELINE ENQUIRY

IN THE MATTER OF AN APPLICATION BY CANADIAN ARCTIC GAS
PIPELINE LIMITED FOR A RIGHT OF WAY THAT MIGHT BE
GRANTED ACROSS CROWN LANDS WITHIN THE YUKON TERRITORY
AND THE NORTHWEST TERRITORIES FOR THE PURPOSES OF THE
PROPOSED MACKENZIE VALLEY PIPELINE

and

IN THE MATTER OF THE SOCIAL, ENVIRONMENTAL AND ECONOMIC
IMPACT REGIONALLY OF THE CONSTRUCTION, OPERATION AND
SUBSEQUENT ABANDONMENT OF THE ABOVE PROPOSED PIPELINE

(Before the Hon. Mr. Justice T.R. Berger, Chairman)

Inuvik, N.W.T.

April 24, 1974

PROCEEDINGS AT ENQUIRY

VOLUME II

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Inuvik, North West
Territories.

April 24th, 1974.

(PROCEEDINGS RESUMED PERSUANT TO ADJOURNMENT)

THE COMMISSIONER: I want to welcome you all to this
preliminary hearing this morning.

I am Mr. Justice Thomas Berger
and I have been appointed by the government of
Canada by Order-in-Council to conduct an
inquiry into the social, environmental and
economic impact of the proposed Mackenzie Valley
natural gas pipeline.

Canadian Artic Gas Limited has
applied to the Minister of Indian Affairs and
Northern Development under the Territorial Lands
Act for a right of way across Crown lands in the Yukon
and the North West Territories. The inquiry that
I am to carry out is authorized by the act. I am
to consider the social, environmental and economic
impact regionally of the construction, operation
and subsequent abandonment of the proposed
pipeline in the Yukon and the North West Territories,
and I am to consider as well the measures which
Canadian Arctic Gas Limited proposes to take to
meet the specific social and environmental requirements
of the Expanded Guidelines for Northern Pipelines
tabled in the House of Commons on June 28th, 1972,
and I am to report upon the terms and conditions
that ought to be imposed in respect of any right

1 of way that might be granted to Canadian Arctic
2 Gas Limited.

3 This inquiry is unique in
4 Canadian experience. Because I have been
5 appointed to conduct this inquiry I am anxious
6 that the people of the north and all other Canadians
7 with an interest in the work of the inquiry should
8 have every opportunity to be heard, and that the
9 Inquiry itself should be thorough and complete.
10 I am therefore holding these preliminary hearings
11 because I want to hear what you have to say about
12 the way in which this Inquiry ought to be run.

13 The headquarters of the Inquiry
14 will be in the North, but the main hearings will
15 be held in the North and in the South. I would like
16 you to tell me today where you think the main
17 hearings should be held in the North and in the
18 South. I would like to know, if you can tell
19 me, how long you expect the presentation of your
20 evidence and your submissions will take at the
21 main hearing. I would like to have your views
22 regarding the form the hearings ought to take; I
23 would like to know if you feel that I should make
24 use of Inquiry Officers.

25 I have written a letter, already,
26 to native organizations, environmental organizations,
27 Canadian Arctic Gas Limited and other interested
28 parties inviting submissions at these preliminary
29 hearings. As I said in that letter an Assessment
30 Group has been assembled within the Government of

1 Canada. The Group is headed by Dr. J.G. Fyles,
2 of the Geological Survey of Canada. Dr. Fyles,
3 at my invitation, is here today, and is sitting at
4 the front on my left with Dr. P.J. Rennie of the
5 Canadian Forestry Service, Advisor in Forest
6 Soils. Dr. Fyles heads the assessment Group.
7 Dr. Rennie is head of the environmental section
8 of the Group. Mr. Weick is also here. He is
9 Northern Program Senior Economist, and he is head
10 of the Socio-economic section of the Assessment
11 Group. The Assessment Group, that is Dr.
12 Fyles, Dr. Rennie and Mr. Weick and a staff of
13 experts from the Government of Canada whom they
14 are heading up, they are reviewing the application
15 by Arctic Gas, that is Arctic Gas's application
16 to build a natural gas pipeline and they will
17 report on the extent to which the Arctic Gas
18 proposal meets the environmental and social
19 concerns set out in the Expanded Guidelines for
20 Northern pipelines. The Assessment Groups job
21 will be to conduct an assessment of the application
22 filed by Arctic Gas. I intend to make the
23 Assessments Groups report available to all
24 interested parties in this Inquiry. But the
25 Assessment Groups opinions, their assessment of
26 Arctic Gas's application will not be binding in
27 any way upon me, or upon this Inquiry. It will
28 be a report placed in all of your hands. In the
29 hands of the Native organizations, the environmental
30 organizations, in the hands of Arctic Gas and

1 all other interested parties to assist you and
2 to assist the Inquiry.

3 This Inquiry concerns the people
4 of the North and the environment of the North.
5 Let me repeat how anxious I am that everyone
6 who wishes to be heard should be given a fair
7 opportunity to be heard. Under the Order-in-
8 Council of March 21st, 1974 I am to lay down the
9 rules of practice and procedure for this Inquiry.
10 I do not wish to lay down any such rules until I
11 have heard your views about the way in which this
12 inquiry ought to be conducted. That is why I
13 am here today.

14 Let me say that this is an
15 informal and preliminary hearing. Anyone who
16 wishes to speak may do so. No one is giving
17 evidence. I am not going to ask that anyone be
18 sworn as a witness. I am simply asking that any
19 one who wishes to speak should come forward and
20 tell me their views on the way this Inquiry should
21 be run.

22 The main Inquiry isn't underway yet.
23 I will decide when it ought to get underway, when
24 I have heard all of you and heard what you have to
25 say about the way in which you feel this Inquiry
26 should be held.

27 Now, I should say that I have with
28 me, Mr. Peter Meyers the Secretary of the Inquiry,
29 who is sitting to my right. Mr. Waddell, Mr.
30 Ian Waddell, Special Counsel for Administrative

1 Matters for the Inquiry to my left. Miss
2 Hutchison of my staff sitting at the table and
3 Professor Jackson of my staff is seated over on
4 my far left.

5 This morning I am going to ask
6 those who intend to speak to speak in this order.
7 I will call first of all upon Mr. Reesor of the
8 Association of The North West Territories
9 Municipalities and then I will call upon Mr.
10 Pluim , Vice president of the Chamber of
11 Commerce. Then I will call upon the Committee
12 for Original Peoples Entitlement. I understand
13 that Mr. Philip Blake will be speaking and that
14 Nellie ^{Cournoyier} will be speaking and Victor Allen
15 on behalf of the Committee. Mr. Colin Allen
16 will be speaking for the Trappers Association.
17 Mr. John Tetlatchee will be speaking as well.
18 Neil Pascal the Settlement secretary from Fort
19 McPherson will be speaking. Robert Andre, a
20 Deveopment Officer with the Territorial Government
21 will be speaking and then I will call upon
22 Connie Hunt, who represents the Inuit Tapirisat
23 of Canada.

24 Then I will read the submission
25 that has been made to the Commission by Gemini
26 North Limited and then I will ask Mr. Goldie of
27 Arctic Gas, who is here representing Arctic Gas
28 along with Mr. William Brackett, Vice President of
29 Corporate Affairs, Mr. Donald Gibson, Assistant
30 Counsel and Mr. John Marshall, counsel, all of whom

1 are here on behalf of Arctic Gas.

2 Then I will ask Mr. Vincent of
3 Canadian Arctic Resources Committee to speak, if
4 he wishes to participate of behalf of his
5 organization at this hearing.

6 Then I will ask Dr. Fyles to
7 speak on behalf of the Assessment Group and then
8 I will ask anyone else who may have been left
9 out of that list to speak. If you make your
10 presentation to me, and later on, while someone
11 else is speaking you think of something else you
12 want to say, I will come right back to all of you
13 again and you will get a chance later on to add
14 anything that you may have overlooked on the first
15 time around.

16 Now when you are going to make
17 your presentation at the outset, I think, I would
18 like you to come to this center table and just
19 sit there and speak, but if you would rather stay
20 where you are, that is entirely up to you. This
21 is informal and just stay wherever you feel most
22 comfortable.

23 Well, Mr. Reesor, I think we will
24 start with you.

25 MR. REESOR: Mr. Commissioner, the Northwest
26 Territories Association of Municipalities is pleased
27 to have the opportunity to present the Commission
28 with the following brief statement relating to the
29 timing, location and format to be followed at the
30 main hearings into the Canadian Arctic Gas application.

1 The Association is an organization
2 made up of ten municipaliites throughout the
3 Northwest Territories, eight of which lie in the
4 Western portion of the Territories. Since
5 approximately eighty percent of the population of
6 the Mackenzie Valley region lives in municipalities,
7 our organization and members have a tremendous
8 stake in the outcome of the application hearings.
9 The affairs of the municipalities of the Valley
10 region are carried on by democratically elected
11 councils. Being so broadly based, these councils
12 are the most representative group from each of these
13 communities. They are the decision-makers and
14 they are the ones who have the responsibility
15 for providing basic services to the people.

16 It is ⁱⁿlight of this great
17 responsibility held by municipal councils that
18 we are concerned about the gas pipeline application.

19 The 1972 Pipeline Guidlines
20 state: " In order to ensure that the social and
21 economic benefits outweigh the costs, the
22 Applicant shall make a conscious effort to
23 contribute to the social/and economic development
24 of the Territories."

25 In the application, however, we
26 find volumes of material relating to every facet
27 of environmental concern, with almost no attention
28 being given to the possible impact of the pipeline
29 on municipalities, and the ability of municipalities
30 to provide the services demanded by their residents.

1 The Canadian Arctic Gas report entitled "Regional
2 Socio-Economic Impact Statement" slides around the
3 topic without providing the information which
4 municipal councils need to be able to prepare
5 for any possible impact. Even by counting on
6 special funding from senior levels of government
7 to off-set rapid growth, councils require two to
8 three years minimum lead time. Any attempt
9 at absorbing radical changes in municipalities
10 through other sources of financing require an even
11 longer lead-time for planning and preparation.
12 To date there has been minimal consultation with
13 municipalities and next to no information available
14 from Canadian Arctic Gas.

15 We want to make it perfectly clear,
16 however, that the Northwest Territories Association
17 on Municipalities feels that a Mackenzie Valley
18 Gas Pipeline could prove to be a great challenge
19 and an opportunity for economic and political
20 evolution in the N.W.T. But, without the
21 information available, the opportunities may
22 escape us, and without the resources required,
23 we may not be able to rise to the challenge.

24 I would like to speak specifically
25 now to those areas that are in the purview of this
26 hearing.

27 First of all, timing.
28 Our recommendation, in light of the above, as to
29 when the hearings of the Inquiry should be held,
30 will hinge on our ability to secure the required

1 information from Canadian Arctic Gas and to make
2 a proper appraisal. Although it may be ideal
3 to speak of holding these hearings next year, we
4 must more practically reduce this time horizon
5 in light of the potential competition from an
6 El Paso Gas application for an Alaskan route.
7 In light of these conflicting requirements, and
8 the lack of expertise immediately available to
9 the Association with which to carry out our
10 enquiry, we respectfully urge the Mackenzie
11 Valley Pipeline Inquiry Commission to support our
12 request for funding from the Federal Government
13 so as to enable us to successfully expedite our
14 study of the pipeline application to be ready
15 for hearings in the late summer or fall of 1974.

16 As to place. In that
17 individual municipalities will have no funds to
18 travel to the hearings, and since municipal
19 representatives will be able to give more meaningful
20 input on their own home ground, we would recommend
21 that the hearings be held in every municipality
22 that will feel the effects of the construction of
23 a gas pipeline. Specifically these municipalities
24 are, Hay River, Rae-Edzo, Yellowknife, Fort
25 Simpson, Aklavik, Fort Franklin, Inuvik, Tuk,
26 and to a lesser extent Pine Point and Fort Smith.

27 As to format, the Association
28 recommends that the hearings assume an informal
29 nature. Such an approach in the North will yield
30 a wealth of invaluable municipal views. It is

1 important that they all be heard since these are
2 the democratically elected people who will be
3 responsible for any effects of the pipeline felt
4 in their communities. A strictly courtroom
5 approach will deter many participants.

6 In ending I would like to thank
7 the Commission for having heard our views and I
8 look forward to participating in future hearings.

9 Thank you.

10 THE COMMISSIONER: Thank you Mr. Reesor, thank you
11 very much.

12 Now, Mr. Pluim .

13 MR. PLUIM : I represent the Chamber of
14 Commerce and upon a presentation of the
15 submission that we have here I would like to make
16 a few comments in regard to what we the people
17 of Inuvik and the Northwest Territories feel in
18 this region.

19 As everyone is aware the time
20 that we received our notice of these preliminary
21 hearings was about one week ago. I understand
22 that some people have had theirs about six
23 weeks ago. We feel that this has given us
24 insufficient time to prepare a proper submission.
25 We feel that we will make this submission and
26 await your decision on it at a later date.

27 The people that are involved with
28 the various companies and corporations here in
29 this vicinity are feeling a pretty hard struggle
30 against what is, a basic part of the pipeline

1 going through and waiting approval is costing
2 private enterprise a lot of money and the impact
3 that could be felt as a result of the thing not
4 being accepted could be very dangerous to this
5 community.

6 Many of the people that are involved
7 in the structure of building this community have
8 put out thousands and thousands of dollars,
9 millions of dollars and upon the non acceptance of
10 this could mean that companies will have to
11 terminate their operations in the North and this
12 could therefore put a pretty heavy burden on the
13 Government. The Government is receiving a
14 fair proportion of money that is going to welfare
15 in supporting this community. The pipeline could
16 mean for this community a proper and enjoyable
17 future. If anything results in delaying this
18 you could look like Alaska looks today.

19 The Land Claims, we feel do not
20 enter into this picture. Right now we are
21 mainly concerned about what is the impact and the
22 environmental and social feelings of this
23 Commission.

24 I would like to read to you our
25 submission at this time. "Whereas the Mackenzie
26 Valley Pipeline Inquiry has been appointed to
27 inquire into and report upon the terms and
28 conditions that should be imposed in respect of
29 the application of Canadian Arctic Gas Pipeline
30 Limited for a right of way that might be granted

1 across Crown Lands within the Yukon Territories
2 and the Northwest Territories for the purposes of
3 the proposed Mackenzie Valley Pipeline, and

4 Whereas the inquiry is to have regard
5 to the social, environmental and economic impact
6 regionally of the construction, operation, and
7 subsequent abandonment of the proposed pipeline
8 in the Yukon and the Northwest Territories, the
9 Inuvik and District Chamber of Commerce submits
10 that;

11 1. As the Mackenzie Valley
12 Pipeline Inquiry is limited to dealing with the
13 social, environmental, and economic impact aspects
14 of a right of way across Crown Lands in the
15 Yukon Territory and the Northwest Territories, the
16 main locations of the inquiry hearings should be
17 in the North and submissions to the Inquiry should
18 be mainly encouraged from individuals and
19 organizations living in the North or having a
20 direct involvement in the North.

21 As the Inquiry is to consider
22 only the regional social, environmental and
23 economic impact of the proposed pipeline in the
24 Yukon Territory and the Northwest Territories,
25 the subject matter of the submission considered
26 by the Inquiry should be limited to the construction
27 operation, and abandonment of the proposed
28 pipeline so that each important aspect will be effectively
29 covered and valid recommendations may be made by
30 the Inquiry. It does not appear that aspects

1 such as the non-construction of the pipeline,
2 delay of the pipeline construction, national
3 considerations, or international considerations
4 are the prerogative of the Inquiry.

5 As the Mackenzie Valley Pipeline
6 construction is a large and complex program that
7 is sensitive to regulation, planning, organizing,
8 and financing difficulties, the activities of the
9 Mackenzie Valley Pipeline Inquiry should be carried
10 out within a definite limit that will coincide
11 with other aspects of the pipeline decision. To
12 this end a final submission date for the Mackenzie
13 Valley Pipeline Inquiry is suggested prior to
14 March 31st, 1975.

15 As there are democratic Councils
16 in every Mackenzie Valley community, the Inquiry
17 should make contact with these elected Councils
18 in each community to discuss the objectives of
19 the Inquiry and obtain evidence. The elected
20 Council of the Northwest Territories should also
21 be contacted.

22 As many special interest organizations
23 such as the Indian Brotherhood, Inuit Tapiritsat,
24 and COPE are receiving approximately one million
25 dollars per year from the Federal Government to
26 carry out research on the social, environmental,
27 and economic impact issues, it would be appropriate
28 for the Inquiry to support the funding of responsible
29 and representative organizations such as the
30 Northwest Territories Association of Municipalities

1 or the municipal councils along the Mackenzie
2 Valley with comparable funding so that these
3 organizations could effectively represent the
4 non-special interest residents of the North.

5 I thank you for having the
6 opportunity to submit this brief to you.

7 THE COMMISSIONER: Thank you very much, Mr. Pluim .

8 Mr. Reesors written submission and
9 Mr. Pluim written submission will be marked as
10 exhibits.

11 (SUBMISSION OF MR. REESOR MARKED AS EXHIBIT 10)

12 (SUBMISSION OF MR. PLUIM MARKED AS EXHIBIT 11)

13 THE COMMISSIONER: I will now ask the Committee for
14 Original Peoples Entitlement to proceed.

15 Mr. Blake, if you wish to go
16 ahead then.

17 MR. BLAKE: Thank you Mr. Berger.

18 I have before me a submission
19 of the President of the Committee For Original
20 Peoples Entitlement, Sam Raddi, who isn't here
21 today. I would like to read this on behalf of
22 him.

23 COPE welcomes the opportunity to
24 respond to the invitation contained in your letter
25 of April 1st, 1974 to make a submission regarding
26 the manner in which your Inquiry should proceed.
27 We were sorry that there was so little time between
28 the day that we received your letter and the time
29 for the hearing. Because of the short time we
30 were not able to visit all of the communities

1 which COPE represents or to hold a meeting of the
2 Board of Directors, to get the ideas of the people
3 about how they think the hearings should be
4 conducted. In future we beg you to remember
5 that COPE tries to represent the views of the
6 people, and of the settlements which we represent,
7 and we try to coordinate our work with that of
8 other native organizations. We cannot do this
9 unless we have enough time to let us visit the
10 settlements, hold meetings of the Board of
11 Directors and meet with other organizations.
12 The time needed would not be as great if more funds
13 were available for salaries of staff and to pay
14 for travel of staff members and for members of the
15 Board of Directors.

16 Before giving our ideas on the
17 practice and procedures which should be followed
18 in the conduct of the hearing, I wish to make it
19 clear what COPE's position is about land claims,
20 and the building of pipelines. We consider
21 the the land claims of native people must be
22 settled before any work is done to prepare the
23 right of way to build the pipeline or to build
24 treatment facilities of any kind for oil or gas.
25 In this position we agree with the Indian
26 Brotherhood of the Northwest Territories, Inuit
27 Tapirisat of Canada, and the Metis and Non-Status
28 Association of the Northwest Territories. But
29 when we have used these words before to say what
30 we think about the land claims and the pipelines,

1 some people have not understood exactly what we
2 meant. It does not mean if the land claims are
3 settled we will forget about what the pipeline
4 could do to the settlements, to the people and
5 to the animals. It just means that we are ready
6 to talk about them. So to say it in^a few
7 words; our participation in the hearing which you
8 will hold is based on the belief that land claims
9 will be settled before any work of any kind starts.
10 If the Government should approve any construction
11 before a settlement is agreed on, I think that
12 members of COPE will want our organization to
13 join forces with the "Federation of Natives North
14 of 60" in legal action to stop the building of the
15 pipeline. It is our hope that even before you
16 write your big report you will tell the Government
17 how we think about this matter.

18 It is very important to the future
19 relationship of white and native societies that
20 the development and transport of energy and mineral
21 resources North of 60 not be turned into a mockery
22 of the original peoples.

23 We wish to give the following ideas
24 about the hearing which you will conduct on the
25 pipeline.

26 First of all the timing of hearings.

27 We believe that it will take at
28 least a year for us to make adequate preparation
29 for the hearings. In addition to the copies of
30 the application made by Canadian Arctic Gas Limited

1 to the Department of Indian Affairs and Northern
 2 Development and the National Energy Board, we
 3 received 20 books from the company on the environment,
 4 what will be done in building a pipeline, and how
 5 it will influence the lives of people. We also
 6 received six more large books of plans. During
 7 the last year we have also been given many reports
 8 on studies which were done by the Government and
 9 by the Environment Protection Board. It will
 10 take a lot of time to study these reports, find
 11 out what parts are important to the communities
 12 we represent, get the information to them and
 13 help them to understand what it means. After that
 14 they will also need time to think about what it
 15 means to them and what they want to say about the
 16 building of a pipeline. COPE must also do much
 17 work to prepare its own paper on the aspects of
 18 the pipeline which relate to the whole Mackenzie
 19 Delta-Beaufort Sea region.

20 While we are studying the reports
 21 I have referred to, we will also receive the
 22 report of the Assessment Group, which you mentioned
 23 in your letter. It will probably be late in
 24 1974 before we can expect to have a copy of that
 25 report to study. Because of all these considerations
 26 COPE recommends that no hearings be held before
 27 the end of next spring's trapping season, that is
 28 approximately June 1975.

29 Now the kind of hearings.

30 We were pleased about your ideas

1 to find ways to take evidence in smaller
2 settlements. We also consider that the way of
3 taking evidence in these settlements should be
4 much less formal than at hearings in the larger
5 centres such as Yellowknife, Hay River and Inuvik.
6 However, we think that it is important that hearings
7 be held in all settlements which will be directly
8 or indirectly affected by the main pipeline or by
9 feeder pipelines. We also consider it important
10 that Your Honour preside at these hearings.

11 If a pipeline is constructed it
12 will bring big changes to the way of life of the
13 native people. Everything possible should be done
14 to ^{help} the people to understand what a pipeline
15 will mean to them and to their children and to help
16 them adapt to the changes which will occur.

17 The conduct of the hearings, in
18 which individuals can say what they think, listen
19 to what their neighbours and other members of the
20 community say, will be a very important part of
21 the process through which the people can get
22 ready for changes which are likely to come. This
23 is also part of the reason why the preparation
24 for the hearings should not be too rushed.

25 COPE also considers that it is very
26 important that the informal hearings in the
27 smaller communities should be held in advance of
28 formal hearings at the larger administrative
29 centres. We believe that if this is done, there
30 will be a much greater inclination for the smaller

1 communities to have representatives attend the formal
2 hearings both for the purpose of making submissions
3 and to bring information back to the communities about
4 the formal hearings.

5 In Summary, COPE recommend
6 that the hearings be held in all communities which
7 will be directly or indirectly affected by the building
8 of pipelines. We recommend that the hearings in small
9 settlements be of an informal nature. Finally, we re-
10 commend that the informal hearings be held in advance
11 of the formal ones, which would be held in larger
12 communities such as Yellowknife, Hay River or Inuvik.

13 Money needed to prepare for
14 hearings. COPE has only three full-time staff mem-
15 bers. These consist of the president, a field worker
16 and a secretary. In addition, the Canadian Arctic
17 Resource Committee is providing us with a resource
18 worker who works for us, or for Settlement Councils
19 or Trappers Associations, on matters related to re-
20 source management and the environment.

21 With this staff we have
22 difficulty maintaining our programs on a day to day
23 basis and we have virtually no potential to do the
24 job which we should do before, during or immediately
25 following the hearings which you will conduct in the
26 course of your enquiry.

27 Because of the limited time
28 available to prepare for the preliminary hearing, we
29 have not been able to think out exactly what would
30 be required. We think that this could be done by

1 June 1st, 1975.

2 We would, however, like to
3 offer suggestions and recommendations of a general
4 nature for your consideration at this time.

5 COPE recommends that,
6 because of the importance of developments associated
7 with the pipeline to native people and because of the
8 need for extra staff for a relatively short term, your
9 enquiry should provide the money needed by native
10 organizations:

- 11 (i) to study the relevant documents and to prepare
12 submissions for the hearings;
- 13 (ii) to assist native people to understand what is
14 involved in the application submitted by Canadian
15 Arctic Gas Pipeline Ltd., in terms of their
16 way of life (socio-economic impact) and in terms
17 of the animals and land (environmental impact)
18 on which their lives have always depended;
- 19 (iii) to assist individuals and organizations (such as
20 Band Councils, Trappers Associations and Settle-
21 ment Councils) to understand the processes, to
22 develop the capability to prepare submissions
23 and the confidence to present them at either
24 formal or informal hearings;
- 25 (iv) to allow selected representatives from the native
26 communities to attend the formal hearings in the
27 larger settlements.

28 COPE presently sees the
29 need for personnel in two broad categories:

- 30 (i) Technical personnel who will study the application

1 and other documents and identify the elements
2 within them which are relevant to the region and
3 to particular communities; who will work with
4 other organizations to avoid unnecessary dupli-
5 cation of effort; who will convey their findings
6 to us and work under our direction in the prepara-
7 tion of submissions; who will convey their find-
8 ings on matters relevant to particular communi-
9 ties to Community Resource workers; who will be
10 representing COPE at the settlement level. (The
11 important thing here is that technical personnel
12 being available on a full-time basis, it would
13 not make any difference to COPE whether the in-
14 dividuals involved were directly on our payroll
15 or provided to us by an organization such as
16 Canadian Arctic Resource Committee, which might
17 have greater capability to locate suitable people
18 and to co-ordinate their efforts).

19 (ii) The second category of personnel would be Communi-
20 ty Resource workers. These workers would provide
21 the liaison between COPE, its Board of Directors,
22 and its technical personnel and the people and
23 communities which we represent. They would do
24 the jobs which were mentioned earlier and others
25 which would become evident as the work progresses;
26 they would be native persons; they would be
27 employed by COPE and their period of employment
28 would ^{not} necessarily be longer than that of the
29 technical personnel.

30 (iii) C.B.C., in its present monopolistic position in

1 the north, has a responsibility to be informative
2 and useful to a much broader extent than it
3 presently is. The native language programs
4 and their resource people must be a fuller part
5 of the corporation and must also be available
6 to disseminate information on a more complete
7 basis. The C.B.C. must be pressured into making
8 a fuller commitment to the people of the north,
9 especially at this time when its responsibility
10 to the people is greater than ever before.

11 In closing, I wish to express
12 to you the pleasure with which our members viewed your
13 appointment to conduct the enquiry on the right-of-way
14 for the Mackenzie Valley Pipeline. It brought us hope
15 that the enquiry will contribute to the solution of
16 some of the problems which have developed so rapidly
17 during this decade and which seem to be so difficult
18 to resolve.

19 For your information, I am
20 providing a copy of a paper on COPE which we had Dr.
21 Peter Usher prepare for us. It tells what we have
22 been trying to do to help our people.

23 And that's on behalf of
24 Sam Raddi, president of COPE.

25 THE CHAIRMAN: Thank you.
26 That will be marked as an exhibit.

27 (BRIEF OF COMMITTEE FOR ORIGINAL PEOPLES
28 ENTITLEMENT (COPE) MARKED EXHIBIT 12

29 THE CHAIRMAN: Do you wish,
30 Mr. Blake, to read Mr. Usher's paper or do you simply

1 wish to file it so that I can read it on the plane
2 to Whitehorse?

3 MR. BLAKE: We would just
4 like to file it. Sir, if anyone would like a copy,
5 we have a number of copies on hand. There's a
6 correction on the date there. It should be June 1st,
7 1974, on page 6.

8 To go over a bit on the
9 contents of this brief, I am the secretary for COPE
10 and a member of the Board of Directors. We hope
11 that in your consideration that you will find that
12 all our recommendations are based on the distinction
13 that the land claims situation for the native peoples
14 of the Northwest Territories and for the Yukon had
15 been satisfactorily agreed on to the satisfaction of
16 the people involved, the original people.

17 As well, I would like to make
18 one or two statements on the situation as it is and
19 how it relates to the pipeline in its presentation now,
20 if that would not be out of order.

21 We have been faced in the
22 past while, in dealing with many land use applications
23 and in protecting the environment, that we understand
24 is going to be of very great importance to us in our
25 future, and in basing our submission on behalf of the
26 native people of the Northwest Territories, we've
27 taken our stand on this, not necessarily excluding the
28 others for selfish reasons or otherwise, except that
29 we know most about our own people and we feel we
30 know enough about our country and we care enough

1 about it, we feel that we have a bigger stake in it
2 in terms of our future and in living here.

3 We feel that a lot of the
4 information that has been passed to us over the last
5 few years has been piece-meal and we have tried our
6 best to look at the information and to co-operate.
7 However, we find it very difficult especially in
8 terms of this hearing. There were people from Fort
9 Good Hope asking if they could come to the hearings,
10 as well I know Chief Charlie Barnaby did go to the
11 hearing in Yellowknife, but even at this time we weren't
12 able to provide the kind of transportation facilities
13 that people probably were asking for, as well there
14 were residents of Tuktoyaktuk who wanted to
15 attend the hearings, as well from Aklavik. We tried
16 our best to bring in as many people on our limited
17 budget, and adjust accordingly, and I would like you
18 to know that many people that are here, ^{who are} speaking
19 as a group along with COPE, have paid much of their
20 own way to come from other settlements. These are
21 the reasons why we are requesting that the hearing
22 definitely be held in communities that are directly
23 and indirectly involved with the pipeline.

24 We would like to say that
25 perhaps you have your terms of reference, but we also
26 would like to suggest that there is a broader concept
27 than just only the pipeline. There are many things
28 involved in the pipeline and other facilities that
29 will be brought into the north. There are many things
30 in job employment and in community development that

1 have not been looked into, and there are many things
2 that people don't understand in^{the} Communities. I feel
3 that because of their lack of understanding and the
4 lack of information, and the kind of information
5 that are getting to communities that we cannot at this
6 time give you a full picture of what people think and
7 feel. There are a few older people who sent in a
8 tape and we're suggesting that you go to Fort McPherson
9 to hear the people speak, perhaps not at this
10 time but at a later date, for those tapes.

11 I don't have much to add to
12 this submission except that I feel that the native
13 people of the Northwest Territories will be living
14 in the north a long time. It is their life, the land
15 is their life, and what they have to say should not
16 be taken lightly because even though they may not
17 always be within the terms of reference because we
18 cannot continue to make decisions in isolation and
19 being presented with one subject at a time, because
20 we have to have a total whole picture to know what
21 you want out of the north so we can say in an educated
22 opinion what we're willing to give up. Thank you.

23 THE CHAIRMAN: Thank you.

24 Mr. Allan, do you wish to go now?

25 MR. ALLAN: You've heard what
26 the brief was concerning our native organizations in
27 the Territories here. Now I have no sort of anything
28 written, but we sort of say things in the way we feel,
29 which I think it was^{one thing} with us before anybody came with
30 his written statements and written policies that we

1 have to follow. That's one thing about northerners,
2 if I don't speak for myself, I don't feel quite at
3 home, so to get back to what we were talking about
4 about the organizations in the Territory, I know a
5 lot of private enterprises and big business people come
6 into the Territories and they wonder why a native
7 organization has got to be funded in order to do their
8 research for themselves.

9 I think in this way we should
10 really think that these people are going to have to be
11 doing something for themselves, even though they're
12 funded by the government, because if we don't create
13 something like that to make people help themselves
14 or make them learn to help themselves, we only --
15 in a lot of small communities, we usually start out
16 with small community planning where we end up giving
17 people, saying, "You being very poor, you got to get
18 out on the land, you have to have housing in the
19 community, you've got to have other facilities,
20 you've got to have a fire bucket system and
21 this sort of a thing," and I think along that line
22 we've created; we haven't created anything very con-
23 structive, in order to employ the person we took off
24 the land, we haven't taught them any skills, and
25 the only skills he knew was on the land, and still he
26 has to educate his children to the system that comes
27 out; so he's put in a very, very bad position there,
28 whether he likes it or not. So in that case I'm just
29 saying this because to us northerners as a whole,
30 looking at it from the government's point of view,

1 we could get very good positions, we could be the
2 people that are here to represent the government for
3 the benefit of the people.

4 Now when we say about the
5 north a lot of times, the Minister used to say that
6 north, the
7 the participation in the/first priorities are the
8 northerners. Now when we say that, we haven't really
9 carried it that far because we haven't got northern
10 people that are educated to put them in positions that
11 we dream about by being the talkers and the doers of
12 the Territories and governing the Territories. A lot
13 of times we get educated people in our own Territory
14 in our country here and they find their own positions.
15 I think that we've had a lot of researchers in the
16 Territories also that could be done by our own people
17 in the Territories. We're educating people of the
18 north, I think we should find them positions instead
19 of just graduating from a Grade 12 position and then
20 turn around and say, "Well, it's your own ball from
21 here on."

22 I think here in the north we
23 need a lot of guidance. Now, when I talk about the
24 land, we also have people that should be educators to
25 have an input into the Education Department where
26 they could be a lot of help to prepare our people, not
27 just to be educated people but to be also able to
28 cope with what their forefathers and their parents
29 went through.

30 I can go on and on, but it's
going to have to shorten down to that because I think

1 a lot of people, a lot of people always say, "We try
2 to represent our native people," and whenever we go
3 to hearings or meetings it always seems to me that if
4 we don't have enough public behind us to see even
5 myself, I go to a lot of meetings, and you sit there
6 and people look at you that are new to you, that are
7 strangers to you, that are listening to you for the
8 first time and say, "You are the only person, who
9 are you representing? I don't see nobody behind
10 there supporting you or nobody that looks like you."
11 And this we have to get away from because a lot of
12 native organizations in the Territories are trying to
13 do something to get away where they could learn to
14 really take care of themselves organization-wise, and
15 people-wise, because if we don't do these things, I
16 think if we don't work along the line to make the
17 people benefit out of a lot of things that are happen-
18 ing in the Northwest Territories, we are only going to
19 be creating organizations and meeting people unskilled
20 that we take into the community and we are just creat-
21 ing a bunch of people that we have to feed, we have
22 to house, and we have to support.

23 When we have the whole picture
24 of the north later on in the future years, if we don't
25 prepare, we turn around and say, "Well, northern people
26 are lazy, northern people sit around and do nothing,
27 northern people tried everything else and we just
28 couldn't do nothing with them." Now in that short
29 period of time I don't blame the Education Department,
30 you can't educate people in that short period of time,

1 it takes years to take one environment to the other,
2 one adaption to the other. You can't educate people
3 overnight to know ^{how to} cope or something with the environ-
4 ment itself.

5 So on behalf of the native
6 organizations in the Territories, and that's only one
7 organization, I think along the line of a settlement
8 of land claims that they are working towards a settle-
9 ment that would be beneficial to the people of the
10 north because they were here before we are here, and
11 I think they should be given a chance.

12 If there was a great invasion
13 of the north down south, I'm pretty sure we are not
14 going to try to take over over-night because we're
15 going to have to create a lot of confusion. I think
16 a lot of us would just get told to go back. ^{if} Now/things
17 like that were to happen, as an example (I'm not saying
18 it's going to happen), now if everyone of us in here
19 that looked like a native were told to walk out of
20 here, there wouldn't be too many people walking out of
21 here. So I'm not saying this to tear people up, I'm
22 just saying this because we are the doers and we're
23 going to have to do things together. Thank you.

24 THE CHAIRMAN: Thank you very
25 much, sir. I understand that Colin Allan of the Metis
26 Association.

27 A VOICE: I'm chairman of the
28 Trappers Association. I would like to say a few words
29 to you people before I talk, and I'm going to talk in
30 Eskimo, and I'm going to translate into English after,

1 after I talk in Eskimo.

2 Well, I will tell you people
3 just what I think, what I said just now in Eskimo I
4 will translate a little bit. This pipeline is going
5 to come up a year from now but the people in the north
6 -- you see, a little bit of more people that go to
7 job is mostly labor because most the native people
8 are not graduated, and they go to school for a little
9 while. You know, I've been to school, O.K., and they
10 can get office job, just very few people maybe; most
11 of them, you know, are native labor, see, and sometime
12 they say, "I work for company." He ^{only} work for few months
13 see, and laid off the rest of the time. They say,
14 "I work for company, I can't help you."

15 What people think and what I
16 tell people in Eskimo, I listen to them and I talk
17 to them about this, and they say, "I follow along with
18 you, I won't help you, you see, I just follow along
19 to see what you're going to do."

20 Then after a while I talk
21 to them and I can't get no help, native people they
22 can't get job you know unless it's labor, you see,
23 and not many native people get office job, you see,
24 and only people who graduated, that's the only people
25 who get office job; and only job is a laborer and we
26 get hired for labor. When we don't get hired, we have
27 no job, you see, and just native people, and what I
28 really think about land, I think native people, they
29 can't buy from the store like white man, they can't
30 afford it because they got no job, and they have to

1 live off the land, hunting, and you know, live off
2 the land. That's the only place we can get food.
3 They can't go to store every day, to Hudson's Bay,
4 they can't afford it.

5 What Oil company is doing now
6 in shallow waters, where the shallow water is now we got
7 lots of land claim; permanent right now, maybe five
8 years from now boats can't come into shallow water
9 any more because they make all islands in the shallow
10 water and cause a whales trouble , and the whales
11 can't come in any more to support the native people,
12 and that's what I was saying in Eskimo just now, and
13 I translate in English.

14 Maybe five years from now
15 I see big machine riding in front of Fort Wells, shallow
16 water boat, Eskimo say they can't hunt animals in
17 deep water. In the deep water you can't hunt animals.

18 THE CHAIRMAN: Thank you very
19 much, sir. I think the next person who wishes to
20 say something is Mr. John Tetlich from
21 Fort McPherson.

22 MR. TETLICH : Mr. Commis-
23 sioner, first of all I would like to say I have this
24 opportunity to sit and listen and talk, and I was asked
25 to talk in USHU , but since I see this waste
26 of time. Before I go on, like you mentioned I was
27 chief in Council, elected council, '60, and I served
28 three terms of being the chief in ten years, and I
29 was back in last two term, by true acclamation, and
30 three year of that ten year I was appointed with the

1 Territory Council. In that three year it gave me a
2 more and upgrading education from leaving school half-
3 way through Grade 3, and in that three year with all
4 I see and with all I've heard, it raised me little
5 higher to speak in the public. But since us native
6 people living in this country long before, many years
7 before white man came, with all what our grandfathers
8 told us what it was like, this is something really
9 meaning lots to us, and since a lot of different
10 activities came into the north, and the change that
11 we see in our time is really educational.

12 Since 1926 is about the time
13 I have a memory from, I seen a lot of change. The
14 living of the people in the country was great. How it
15 was is not the same. I was brought up in the country
16 and I lived in the country. I lived in Fort McPherson
17 and I lived 50 miles south McPherson on the Peel
18 River, little place called Rope River^{in the Yukon}. I lived in the
19 Yukon. Living there last 30-40 years with all the
20 change I see, and the change that I see in the
21 Mackenzie Delta is really something that we could
22 say that it's not the same before the white man came.

23 The delta is so badly cut
24 up that the amount of rat that come out of the delta
25 I don't think we'll ever see that again, and if we
26 do see it, we'll be glad and thankful that it came back.

27 The amount of game that was
28 in the country are not the same, and trapping is not
29 the same. The government said, "We're going to give
30 the people better housing," and they gave the people

1 better housing. This is something I was really opposed
2 to. Instead of giving the houses to the people in the
3 community, they should have give the people their hou-
4 ses out in the country where they could stay and carry
5 on trapping.

6 I say this because I lived in
7 the bush all the time, and all the people that used to
8 live out there are not there. Only thing they do, they
9 go on a hunting trip from a community. So this is
10 where the mistake is made.

11 Since a few years back, after
12 the oil and gas activities taking place, we hear about
13 different places, discovery on gas, oil, and this and
14 that. Then we heard about the gas pipeline. The
15 people that want to put the pipeline through are con-
16 cerned with pipeline. So there ^{the} Indian and Eskimo this
17 country say, "They're going to put that gas pipeline
18 through," and then the people are concerned about their
19 living. What's going to happen? Is it going to do
20 good or is it going to do bad?

21 So it used to be where people
22 were never sort of known, but nowadays people are con-
23 cerned with all different activities in different
24 parts, so this is where there are more people sitting
25 in conference from all different communities, first to
26 go out south, and especially down here.

27 This few years that I sit,
28 there's different things that are plentiful, are not
29 the same. If I recall and if I am wrong, somebody can
30 correct me on this, older people and few of us that

1 are sitting here seen all the birds that come north
2 from south were very plentiful. It was one time in
3 one year we heard a big tanker was stuck on the rock
4 and it broke up, and they had an oil spill. There
5 was so many ducks down there that they got into oil,
6 they couldn't fly and all these ducks got killed off.
7 How many ducks come north? We used to see, we never
8 see. So by this our people are concerned about their
9 living, and this is where we are glad that we have in
10 this preliminary hearing about the pipeline and the
11 people that are consider living here.

12 We have people here that just
13 have very short time of notice and just four days ago
14 I was notified that if I could be here; but if I was
15 given a little more time I would have had something in
16 writing that I could bring that other people did
17 bring. I didn't have the time so little I have to say
18 about this concerning the pipe, the country and the
19 game and this and that.

20 There's other things about
21 Seismic I know. They been all over in the coun-
22 try and there's a lot of places where they were
23 tearing things around and it's now the Game
24 Branch and the Forestry are taking care of this; but
25 there's few places where we do know there is tanks,
26 empty drums lying around, and there's all sorts of
27 these things all over the country. So this is doing
28 a lot of damage to our country because what we knew
29 was there before is not as plentiful as it used to
30 be, and like I said, if I had the time I would have

1 said more, but I didn't so -- Mr. Commissioner, it's
2 very nice that we have you here today, and me having
3 the opportunity to sit and talk to everyone.

4 THE CHAIRMAN: Thank you very
5 much. We will just take a five-minute break while
6 the tape is replaced.

7 (PROCEEDINGS ADJOURNED FOR FIVE MINUTES)

8 (PROCEEDINGS RESUMED PURSUANT TO ADJOURNMENT)

9 THE CHAIRMAN: Let's take our
10 seats and begin again, shall we? Anyone at the back
11 who wishes to take a seat, just come forward and take
12 a chair, there's lots of them.

13 I'll call on Mr. Neil Pascal,
14 the secretary for Fort McPherson now.

15 MR. PASCAL: I've just got a
16 few points which I would like to mention, although it
17 was mentioned in briefs submitted by COPE and also by
18 various speakers this morning.

19 I believe that native people
20 in the north are not ready for a development such as
21 the pipeline, and that there should be a paced
22 development only after there is a land settlement
23 which must be satisfactory to the native people in the
24 Northwest Territories. A development such as a pipeline
25 can harm the native people socially and economically.
26 I do not think that the hiring of a large number of
27 native people for approximately three years justify
28 the building of the pipeline. We are facing a
29 serious situation already, social impact. Communities
30 such as Inuvik and Fort Simpson are examples of what

1 we are to face.

2 It has taken Canadian Gas
3 Arctic a number of years to gather information regard-
4 ing a pipeline and in all fairness, I think that the
5 various native organizations be given more time to
6 look through that information available and to get
7 the information to settlements who will be affected
8 by the pipeline. To do this the native organizations
9 must have funding. It seems that the government is
10 willing to fund various exploration companies which
11 bring problems to the communities, and yet we have
12 very limited funds to try and correct these problems.
13 As a native person mentioned to me that the value of
14 money has overcome the value of human life.

15 In closing, sir, I'd like
16 to say I do not think native people should have to
17 be forced to adjust to development; but development
18 adjust to the native way of life. Thank you very
19 much.

20 THE CHAIRMAN: Thank you, Mr.
21 Pascal. Now I'll call on Mr. Robert Andre ,

22
23 MR. ANDRE: Mr. Commissioner,
24 it seems that everyone is concerned and I myself am
25 pretty concerned about the timings of these hearings.
26 The time that concern individuals and groups ^{have} in order
27 to prepare a proper presentation so that this is a
28 sort of personal plea to you, Mr. Commissioner, that
29 you consider seriously the following two points in
30 your deliberations:

- 1 (1) Due to the time factor for all concerned to obtain
2 the necessary information and to prepare oursel-
3 ves properly it will be strongly recommended that
4 hearings of this sort do not start for one year.
- 5 (2) Places to hold these hearings, I would not suggest
6 but demand that these hearings be held in every
7 community along the right-of-way of the proposed
8 pipeline.

9 The reasons for this is that
10 people in the communities will be affected directly
11 or indirectly by the proposed gas pipeline and their
12 views should be considered.

13 I hope you will take these
14 seriously, Mr. Commissioner. Thank you.

15 THE CHAIRMAN: Thank you very
16 much, I'll now call on Connie Hunt, who represents
17 the Inuit Taperisat of Canada?

18 MISS HUNT: Thank you very
19 much, Mr. Commissioner.

20 I am speaking this morning
21 on behalf of Inuit Taparisa^t of Canada, and I should
22 explain at the outset that the I.T.C. is a national
23 organization which represents all the Inuit in Canada,
24 not only the ones in the Northwest Territories, but
25 also those who live in Quebec and Northern Laborador.

26 I think that I should also
27 explain that COPE, whom you have heard this morning,
28 is a regional affiliate of the I.T.C. in that they
29 represent and work with the Inuit who live in communi-
30 ties in the delta region.

1 The I.T.C. is concerned about
2 these hearings because of its implications for the
3 Inuit settlements in this area, and also because of
4 its implications for the Inuit who live in other parts
5 of Canada. I would like to state at the outset that
6 the I.T.C. fully supports and endorses the briefs and
7 the positions which you have heard from COPE this
8 morning.

9 The I.T.C. welcomes the
10 initiative which has been taken by this enquiry in
11 arranging the preliminary hearings. We welcome the
12 views which you expressed in your opening speech in
13 which you mentioned your desire that all people with
14 an interest in these hearings should be given an
15 opportunity to speak.

16 You have referred to the fact
17 that this enquiry is unique in Canadian experience.
18 In many respects it is unfortunate to say that the
19 approach which you have stated is also unique, that
20 is you are willing to listen to the views of the north-
21 ern natives. Historically and at present most fre-
22 quently the Inuit have only been on the receiving
23 end of decisions and they have continually been denied
24 access to decision-making processes and have been
25 denied participation in developments which are taking
26 place upon the land where they have always used and
27 they have always occupied. It is our sincere hope
28 that this enquiry will set a new trend and one that
29 will be followed in the future.

30 I feel that it must be

1 commented on that there are certain aspects of these
2 preliminary hearings to which exception must be taken,
3 and I refer here to the question of the timing and
4 the notice which was given about these hearings. I
5 think that the situation is that the I.T.C. and COPE
6 were given approximately three weeks' notice about
7 these hearings, and the COPE brief has already commen-
8 ted on the way that they try to work in dealing with
9 the people in settlements, in making sure that people
10 understand what is happening and in fully consulting
11 them before putting a position across. I appreciate
12 the fact that this is the first time that this Commis-
13 sion has had experience in the north, and I appreciate
14 that you may not have realized these difficulties of
15 communication problems, transportation problems, and
16 the limited resources which native organizations have
17 to carry out this process in which they try to make
18 sure that all the people who are going to be affected
19 are as fully informed as possible, and are able to
20 give their views on how things should be handled.

21 So I think it is clear that
22 this three-week time framework which gave notice of
23 these preliminary hearings was inadequate in this
24 case, and I wanted to draw this to your attention at
25 this time because of the fact that you should bear
26 these factors in mind in the future as you are giving
27 notice of future meetings, and as you set the timings
28 of the hearings. I don't think that the point can
29 be made too strongly that the way communication func-
30 tions in native settlements in the north comes out in

1 a very different time context. than what we are
2 used to in the south, and that must always be borne
3 in mind throughout this enquiry.

4 There are a number of prelim-
5 inary observations which I would like to make concerning
6 your terms of reference in conducting these hearings.
7 The order-in-council by which you were appointed makes
8 references to the expanded guidelines on pipelines
9 which was issued by the Federal Government in June,
10 1972. In the preamble to that guideline. it was
11 stated:

12 "In particular, the government is ready to sit
13 down with representatives of the native people
14 involved to invite their views on the guid-
15 lines proposed, and to reflect these views
16 wherever possible."

17 The I.T.C. welcomes this
18 opportunity to respond to the guidelines which the
19 government had formulated, and submitted a lengthy
20 response to the pipeline guidelines in December of
21 1972. A great deal of time, energy, thought, and
22 resources were put into this response. A number of
23 very serious objections were raised to the pipeline
24 guidelines. To my knowledge, no response has ever
25 been received from the government to this critique
26 of the pipeline guidelines, and it is unfortunate to
27 say that this seems to be only too typical of the
28 approach which has been adopted by government, namely,
29 there are constantly promises and statements made
30 that native people will be consulted, and then this

1 is the kind of response which is given when native
2 people endeavor to respond. That is they are ignored,
3 the policies which are stated in this case in the
4 guidelines themselves are not put into practice.

5 Because of the fact that the
6 I.T.C. has received no response from the government to
7 its submission on the pipeline guidelines, we feel
8 that it must be raised at this time, some of the
9 objections which were taken to the guidelines themsel-
10 ves, and the most fundamental one is the whole question
11 of Inuit land claims and land rights in the Northwest
12 Territories.

13 If you would refer to page
14 4 of the guidelines, there is a definition of the
15 term "native people", and this is defined to include
16 Indian, Eskimo, and Metis people in the Yukon Terri-
17 tories and the Northwest Territories.

18 Now presumably this definition
19 which appears at the beginning of the guidelines is
20 one which would apply throughout the guidelines. There
21 is only one place in the document which refers to the
22 issue of land claims, and this can be found at page
23 25 under the heading, "Introduction to Social Guide-
24 lines". At that point it is stated,

25 "The government recognizes the concerns of
26 the Indian people of the Territories with
27 regard to the construction and operation of
28 northern pipelines. The government is
29 prepared to discuss with the Indian people
30 their land claims and treaty rights whenever

1 they express their willingness to meet on
2 the matter, and any decision made concerning
3 northern pipelines will be without prejudice
4 to Indian land claims and treaty rights."

5 Now the point here to me is
6 very clear. You have a situation in the guidelines
7 where a definition at the beginning includes -- defines
8 native people as Indian, Eskimo and Metis, and yet the
9 only place in the guidelines where there is reference
10 to land claims and treaty rights refers only to Indian
11 people. Possibly it may be argued that this term
12 "Indian people", because of the interpretation which
13 has been placed on that term in the British North
14 America Act in which it is interpreted to include both
15 Indian and Eskimo, perhaps it could be said that
16 in the guidelines then Indian land claims and treaty
17 rights includes all native people.

18 However, because of the fact
19 that the guidelines themselves define "native people"
20 at the beginning, and then later on use a different
21 term, "Indian people", I think the assumption can be
22 drawn that the government intended in this way to
23 exclude the land claims and land rights of Inuit people
24 and this kind of approach is totally unacceptable to
25 the I.T.C.

26 We feel that the land claims
27 are included as a part of the 1972 guidelines, and
28 the arguments supporting this are in the fact that
29 any introduction to the social guidelines, there is a
30 reference to the 1970 guidelines where it has been

1 stated that any certificate granted would be condition-
2 ed in respect to the protection of rights of northern
3 natives. It is further stated that the 1972 guide-
4 lines are described as an elaboration -- yes?

5 THE CHAIRMAN: Are you reading?

6 MISS HUNT: No. Previously
7 I was reading from page 25, I'm sorry.

8 The point is this, that the
9 quotation on page 25 refers only to Indian people. The
10 definition at the beginning of the guidelines says
11 that native people is Indian, Eskimo and Metis, and
12 from that I think the conclusion can be drawn that
13 when the term "Indian" is used on page 25, it means
14 simply that, Indian, and not native persons because
15 that was the definition which was included at the
16 beginning.

17 The I.T.C. is amazed and
18 astounded that the government would adopt this kind
19 of tactic a definition of this nature, and in essence
20 hereby tell the Inuit people that their land claims
21 and their land rights are to be treated differently
22 than those of the Indian people. This objection was
23 specifically raised in the submission of the I.T.C.
24 to ^{the} government concerning the 1972 guidelines, and to
25 date there has been no response and no amendment to
26 the guidelines.

27 The I.T.C. has continually
28 requested a freeze on all development in the north
29 until settlements of the Inuit land claims. The
30 government has constantly refused this request and has

1 insisted that development must proceed. Our position
2 simply is this, that no project like the pipeline must
3 proceed until the Inuit have achieved a satisfactory
4 settlement of their land claims.

5 We would submit that this
6 Commission of Enquiry cannot carry out its work without
7 reference to Inuit land claims, as has been suggested
8 by some other briefs given to this Commission.

9 We feel that the 1972 guide-
10 lines, as I have stated, by implication attempt to
11 exclude the question of Inuit land claims, and we
12 think it is highly improper that the question of Indian
13 land claims should be treated in a different way in
14 the guidelines than the question of Inuit land claims,
15 and it must be made clear that this approach is
16 totally unacceptable to the Inuit.

17 Your terms of reference, in
18 addition to dealing with the 1972 guidelines, also make
19 reference to the fact that you are to have regard to
20 the social, environmental and economic impact of the
21 pipeline, and it is the feeling of the I.T.C. that
22 because of the vast scope of the question of the Inuit
23 land claims this Commission of Enquiry could not
24 possibly carry out its work in looking at social,
25 environmental and economic aspects of the pipeline
26 without reference to the question of Inuit land claims.

27 The land claims question is
28 fundamentally tied to the whole issue of the pipeline
29 in the question of social, economic, and environmental
30 aspects of the pipeline, and we feel that the work of

1 the Commission must include reference to the entire
2 question of Inuit land right.

3 We support COPE's position
4 that any participation carried out in the hearings
5 is based upon the assumption that there will be a fair
6 and equitable settlement of all land claims prior to
7 any work being carried out on the pipeline, if in fact
8 the pipeline is to proceed.

9 Turning to the question of the
10 time framework within which this enquiry should oper-
11 ate, I would like to say again that we fully support
12 COPE's position on this question, namely, that no
13 hearings should commence until June of 1975, and there
14 are a large number of reasons why it would be totally
15 unacceptable for the hearings to commence before then.
16 It is felt that the Commission cannot carry out a full
17 and complete enquiry into these questions unless the
18 hearings do not commence until June of 1975.

19 The people this morning have
20 referred to, in some detail, the process whereby they
21 wish to consult people in ^{the settlements} and to get their
22 views to help them to understand the implications of
23 the pipeline, to assess the material which has been
24 prepared for several years by Gas Arctic and by the
25 Canadian Government, and all these matters will take
26 a great deal of time in light of the communication,
27 transportation, and cultural differences.

28 The documents, it has been
29 suggested by Gas Arctic, are written in a narrative
30 form so that they will be easily understood. They may

1 be written in a narrative form, but it must be remem-
2 bered that they are written in English, which is not
3 the native tongue of most of the people of this region,
4 most of the native people; they are written -- they
5 are couched in ideas and concepts which though familiar
6 to people who live in the south, are not familiar to
7 people with a native background. All these factors
8 contribute to the proposition that there must be suf-
9 ficient time so that the native people will have an
10 opportunity to evaluate these things fully, and to
11 make sure that the people in settlements are fully
12 informed in order that they can respond to the concerns
13 of this enquiry.

14 I would also mention that I
15 think a large number of the submissions made to this
16 enquiry already support the position that the hearings
17 should not start until June of 1975. Both of the
18 briefs presented by the national Indian -- by the
19 Indian Brotherhood of the Northwest Territories and
20 by the Metis Association in Yellowknife supported this
21 idea. The brief submitted by the Canadian Arctic
22 Resources Committee stated that they were subject to
23 the wishes of other people, the convenience of other
24 people; but they also stated that they would require
25 a good deal of time. The submission by the Mental
26 Health Association specifically stated that native
27 people should be given a full opportunity to understand
28 the implications of the development, and Canadian
29 Arctic Gas in addition has stated over and over again
30 that they are most concerned that the native people

1 have a chance to say fully what they think about the
2 pipeline. I would suggest that their position also
3 supports the proposition that these hearings should
4 not take place until June of 1975.

5 In terms of general principles
6 in which the hearing should be conducted, the I.T.C.
7 would submit that the hearings must be completely
8 open with full access to all material which has been
9 prepared by Gas Arctic, by the government, and even-
10 tually by the Assessment Group; and on the question of
11 making resources available -- yes?

12 THE CHAIRMAN: Excuse me for inter-
13 rupting again, what material did you say should be available?

14 MISS HUNT: Yes, I think the
15 principle is that all the material relevant to the
16 pipeline application, including all of the Gas Arctic
17 studies, those -- there are a great number which have
18 been made available, there are more coming -- any
19 studies which have been done by the government and
20 of course the studies of the Assessment Group. General-
21 ly the principle is that all relevant material should
22 be made freely available so that people can assess it
23 for themselves.

24 It has been stated this
25 morning that the native organizations in the Northwest
26 Territories have received funding of up to \$1. million,
27 and if I did not misinterpret the speaker, I believe
28 the implication might be that the native organizations
29 have received a lot of money. That may be the case,
30 but I would like to point out for example, the money

1 which has been received to date by the I.T.C. , one
2 large portion of the funding which has been given to
3 the I.T.C. was for the purposes of carrying out a
4 land use and occupancy study for the entire Northwest-
5 Territories, and this is a massive imperical study
6 which has never been undertaken anywhere else in
7 Canada. There are maps, very extensive maps being
8 drawn which will show exactly where the Inuit people
9 hunt, trap and fish, and will show the areas that are
10 important to them for cultural reasons. In addition,
11 there will be a great deal of material gathered in
12 terms of the cultural perception which the people have
13 of their land, and this is a project which is funded
14 by the Federal Government, and although it is specifi-
15 cally for the Inuit, it is the Inuit writing, their own
16 history about the use of their land. In addition, it
17 will be very useful in future in terms of being able
18 to predict areas of conflict between traditional use
19 of the land and other activities which may take place
20 in the north. I think it is important that people
21 do not misunderstand the funding which has been given
22 to native organizations. This particular study of
23 the land use and occupancy study is something which
24 is going to be of significance, not only to the Inuits
25 but also to everyone in Canada. The fact of the
26 matter is that although native organizations may have
27 received what may appear to be a large amount of
28 funding, these monies are being expended on particular
29 projects, many of which are very expensive and very
30 time-consuming.

1 We would like to reserve the
2 right to address this Commission in Ottawa at the
3 hearings at that time.

4 In closing I would just like
5 to make a point that when the Canadian Government
6 opened up the west in the late 1800's, with the build-
7 ing of the C.P.R. Railway, which was a very massive
8 project at that time, and in many respects is compara-
9 ble to the proposed Mackenzie Valley Pipeline, at that
10 time the Canadian Government paid very little heed to
11 the concerns of native people about their lands and
12 about their land rights.

13 We might ask ourselves what
14 the result of that was, and the Riel Rebellion which
15 took place in Saskatchewan in 1885 and 1886 were
16 in many respects attributable to the treatment which
17 had been meted out to the native people, and I think
18 that we should realize the mistakes of the past and
19 not make them again at the present. Again I would
20 like to stress that the I.T.C. feels very strongly
21 that this Commission cannot carry out its work in
22 any way without reference to the question of Inuit
23 land rights.

24 THE CHAIRMAN: Thank you very
25 much. You've raised the proper interpretation of
26 the pipeline guidelines. . You might tell me then
27 you referred to some passages in the guidelines and
28 if the Inuit Tapirisat is going to be represented in
29 Ottawa, you might tell me then what appears on page
30 29, this is under the social guideline, and it is

1 No. 6 and it says--in Ottawa you may also want to
2 say something about this, what this is supposed to
3 mean.

4
5
6
7 Do you wish to say something
8 now? You are certainly welcome to.

9 A VOICE: Mr.
10 Commissioner, I would like to say a few words, and
11 that is concerning the enquiry that's going to be
12 held in the communities. Can you give us, 1975 start
13 sometime, give us more time than that in the communi-
14 ties because see, the people don't understand what
15 the pipeline, the highway, and ^{exploration} crews are --
16 the poor people, I'm talking about, the trappers and
17 hunters. I might understand it or they might, every-
18 body here, but the people that are living off the
19 land, they don't understand a single thing even though
20 there are people coming in there and having meetings.
21 You know, they don't go to meetings, trappers-hunters
22 don't go to meetings, they're living off their land,
23 they got to think about next winter's stock feeding,
24 next winter, you know, get ready preparing for the
25 trapping.

26 Also I'd like to suggest one
27 point, like I heard the Brotherhood is trying to get
28 some funding. I think the people right in the commun-
29 ities, they should be the consulting team, the native
30 people, not Brotherhood or Gemini North or people

1 like that because they don't understand either. See,
2 they come from Yellowknife, they go into communities,
3 they have meeting one day, fly out, write up their
4 report, and that's it. That's what that 70 pound of
5 material is, part of it. I think that native people
6 even me, I'm getting tired of white people studying
7 us; why don't we study ourselves and write up a good
8 report, then we'll have some really good material,
9 something that you don't have to have CARC to
10 analyze. It's done right by the native people.

11 Another thing, I know a lot
12 of people are afraid of the pipeline because you see,
13 maybe 15-20 years ago exploration company started in
14 the delta area and a lot of places they, you know, dam,
15 they go across a creek, they plug that creek up and
16 then there's no fish or no fresh water when the flood
17 comes there in the springtime, just that stale water
18 is there, and rats and beavers die, fish, and they're
19 afraid of the pipeline. You've got to do more study
20 on it than just coming there and say, "Oh, we
21 got 70 pounds of material here, go ahead, go through
22 with the pipeline." They don't understand it. Even
23 the people that wrote that 70 pounds of material, they
24 don't understand one single thing about the north.
25 They're just trying to make it as a, you know, a trial
26 thing, it works or it don't work, doesn't matter, go
27 ahead with it, oil pipeline later on.

28 That's all I have to say,
29 thank you.

30 THE CHAIRMAN: Miss Carney,

1 do you wish to make your statement? Come forward if
2 you wish.

3 MISS CARNEY: Mr. Commissioner,
4 I want to make it very clear that this letter that
5 is being submitted by ourselves as northern operators
6 and it is not on the initiative in any way of Canadian
7 Arctic Gas, for whom we have done work. We clearly
8 cannot appear as interveners in an application in which
9 we have been so closely associated.

10 However, it is prompted by
11 the many requests for research funds which was made
12 at the Yellowknife meeting by southern interest
13 groups, such as CARC, and we wish to bring to your
14 attention the fact that these organizations do have
15 other sources of funds in the south. However, funds
16 in the north for research are very limited, not only
17 for the native associations but for the municipalities
18 who can't, in many cases, afford sewer and water
19 systems or fire trucks, let alone research projects.

20 Now this point has been
21 brought out here today, but it was not made in
22 Yellowknife, and it may be largely redundant in view
23 of the submissions you received; but I'd like to
24 read it into the record.

25 Our company is an economic
26 research firm headquarters in Yellowknife and has
27 engaged in a number of research studies in the North-
28 west Territories and the Yukon. We have also served
29 as socio-economic research consultants to Canadian
30 Arctic Gas Study Limited. In view of the many

1 requests for research funds by different groups at the
2 hearing before the preliminary hearing in Yellowknife,
3 on the application for a pipeline right-of-way, we
4 would suggest that priority be given to requests for
5 funds to finance meetings in communities on or adjacent
6 to the proposed pipeline route. In our professional
7 opinion, such meetings are essential if northern
8 residents are to have any meaningful input into the
9 main hearings and to take precedence at this stage
10 over requests for funds from southern interest groups.

11 That's all. I hope Mr. Itsi
12 agrees.

13 THE CHAIRMAN: Thank you.
14 Does Mr. Goldie of Arctic Gas wish to say anything?

15 MR. GOLDIE: I don't think so,
16 Mr. Commissioner. What I would say would be pretty
17 much a repetition of what was said at Yellowknife and
18 I don't think there's very much point in that.

19 I don't think that what I
20 said there could be taken as agreeing with the time-
21 table that has been attributed to me, though.

22 THE CHAIRMAN: There are people
23 here who were not at Yellowknife, you might feel free
24 to repeat anything that you said there to clear up the
25 points that were made by those who have spoken this
26 morning, the timing and form of the hearings

1 MR. GOLDIE: Well, I'd be
2 glad to, Mr. Commissioner, if you thought it might be
3 of any use. I think most of the people -- I shouldn't
4 say most of the people -- a number of the people who
5 have spoken here were either present at Yellowknife
6 or they spoke briefly at Yellowknife, and I wouldn't
7 want to repeat everything that I said, but I did say
8 that assessing the job ahead of you, I thought that
9 a series of informal -- and I think we adopted the
10 word "community meetings" -- would be appropriate this
11 summer, and that a more formal meeting or hearing
12 would be appropriate following the reception of the
13 Assessment Group's report, and it would be those
14 series of meetings or hearings of a more formal charac-
15 ter at which the cross-examination of the technical and
16 expert witnesses would take place.

17 I envisage, and I think I
18 said that I would make a more formal, complete submis-
19 sion on this point in Ottawa, but I envisage the
20 informal community hearings would provide you with
21 a very substantial body of knowledge with respect to
22 the question of impact, and that the more formal
23 hearings after the receipt of the Assessment Group's
24 report, would assist you in measuring the degree to
25 which the proposals of the pipeline company met the
26 expanded guidelines.

27 Perhaps that's all I need
28 say at this point, Mr. Commissioner, unless there is
29 some questions that arise out of that.

30 THE CHAIRMAN: I think that

1 what we ought to do now is adjourn for lunch.

2 Is there anyone in the audience
3 who hasn't been called upon to make a submission or a
4 statement they may do so now or this afternoon.

5
6 I thought what we would do
7 is adjourn now for lunch, and after lunch we'll come
8 back and discuss some of these questions further. If
9 anyone who has spoken wishes to say anything in view of
10 what I have said, they may do so.

11 It's 12:30 now, if we come back at a quarter to 2,
12 would that be agreeable?

13 (PROCEEDINGS ADJOURNED AT 12:30 P.M.)

14 (PROCEEDINGS RESUMED AT 1:45 P.M.)

15 THE CHAIRMAN:

16
17 This afternoon I will ask
18 Mr. Harold Cook and Mr. Neil Collin and Mr. Usher and
19 Dr. Pimlott of CARC to proceed. . I will start
20 with you, Mr. Cook. You will just state for the
21 record who you are, where you come from.

22 MR. COOK: Well, I come from
23 Good
24 Fort Hope, and I work with the Indian Brotherhood as
25 a researcher in the delta area. We're working on a
26 land occupancy study.

27 I just want to comment on
28 what was said this morning. Me and Neil have been
29 in the delta and we have some kind of ^{consensus} opinion, if
30 you want, on the people in the Delta.

On these studies I believe

1 that the hearing should be conducted in the communities.
2 Furthermore, I believe that native people, the tradi-
3 tional native people of this land are the best ecolo-
4 gists that you can ever have.

5 Here you can have a study
6 far more valuable than what Canadian Gas Arctic is
7 spending in biological and ecological studies.

8 The experience of the native
9 people, I believe, should be used much more, the
10 resources that they have. The oil company's concerned
11 I believe, collaborate with other industrial companies
12 to maintain their valuable pipeline for example Great Bear
13 hydro power, wanting to supply electricity to the
14 pipeline. I believe there should be better socio-
15 economic studies done on the impact that will involve
16 the native people.

17 I have written up a poem
18 which I think is maybe typical, maybe sounds a little
19 drastic but I don't -- well, it's the people we're
20 concerned about and I have written it up, this poem
21 here:

22 "Great White Father sends us presents from
23 Ottawa, he wants pipeline and highway,
24 But father comes with machines to steal path
25 for pipeline before native people say 'Yes'
26 or 'No'."

27 In closing, I want the people here to ponder a ques-
28 tion or thought, which is worse, physical or cultural
29 genocide?

30 That's all I have to say.

1 THE CHAIRMAN: Mr. Collin, do
2 you wish to add anything to what Mr. Cook said?

3 MR. COLLIN: Yeah. I born in
4 this country, I lived here all my life in Mackenzie
5 Delta, and I worked and always with my own people,
6 social people in the Mackenzie region, and I been
7 travelling Aklavik and Fort McPherson, Arctic River
8 and also here in Inuvik, and I talked to lots of native
9 people all the time. What they wanted is they want
10 study more on pipeline, and what they really want is
11 they want to settle land, and then bring the pipeline.
12 They also say, "This is our land."

13 That's all I got to say.
14 Thank you.

15 THE CHAIRMAN: Thank you, Mr.
16 Collin. Mr. Usher, do you wish to say something?
17 Come up here so the people can hear.

18 MR. USHER: The meetings that
19 you're going to now, is that the only ones that you're
20 going to now?

21 THE CHAIRMAN: No, I intend
22 these meetings just to find out what the people think
23 about when we should start the meetings.

24 MR. USHER: In the communities?

25 THE CHAIRMAN: Yes, I think
26 that everyone who has spoken feel that I should visit
27 all of these communities and hold meetings there, hold
28 hearings there; but it seems clear that everybody
29 doesn't agree on when those meetings should be held
30 and wants more time to get ready for these meetings.

1 But I intend to be back here
2 again -- I should say that I intend to visit the
3 communities.

4 MR. USHER: And all along the
5 Arctic Coast too, the Eskimos?

6 THE CHAIRMAN: Well, I visited Tukto-
7 toyaktuk yesterday, I'd like to go there again; but if
8 you want to tell me now the places you think I should
9 visit along the Arctic Coast, go right ahead because
10 I'm here to listen to find out what you people think
11 about where I should go .

12 MR. USHER: Well, there's a
13 lot of communities. Maybe if you could have a group
14 that you could form that would go and spend at least,
15 oh, three or four days, depending on the size of the
16 communities, you know, explaining to them, because it's
17 really hard to get some words across like for the
18 land claims. That's a hard thing to settle, I should
19 imagine -- one of the first things.

20 I was talking to Chief
21 of Aklavik and he told me one of the first things he
22 wanted me to tell you is that before the pipeline
23 goes through the valley, that part of the Mackenzie
24 Valley especially where the caribou ranges are going
25 by, the land will have to be settled first. He wants
26 it that way. He's not the only one who is asking
27 for that, many others ^{natives} are also, including the Eskimos
28 want the land claim settled first, then the pipeline.
29 That's very important to him.

30 Then there's something else

1 you should also know. When the people come to the
2 meetings to the communities, he explained to me that
3 it's not going to be just formal "yes" and "no", there
4 will be some people getting up and complaints of how
5 it might be in the future for their children, how it
6 is going to affect them, what kind of work they want
7 to have for their children, and how they think the
8 children should live, because since the last few years
9 things have been changing quite a bit. Even me have
10 had to go to school to try and understand people like
11 you when you come into this country, so that I can
12 understand. Somebody else will, too. There are some
13 going to school. We know it's important to try and
14 understand you.

15 There's some word they want
16 to say sometimes to you people, like when you come
17 around, maybe somebody in the government office; maybe
18 the Metis would like to -- some Metis would like to
19 very much own their own business, run their own
20 government, have their own governing factors by
21 themselves, too. That's something else that will have
22 to come about with the land claims. They have that very
23 much in mind.

24 Some will say to you, I know
25 how they're going to say, it's not going to be easy,
26 it may be a long discussion for saying that. We made our
27 living here a long time, you know.

28 THE CHAIRMAN: I look forward
29 to a long discussion, then.

30 MR. USHER: I think -- I don't

1 know how many want to -- what they have in mind for
2 in discussions for land claims, it will probably be
3 regions, I guess, most likely, and resources, you know.
4 One part -- a region here and a region there. It
5 would be pretty hard to take them all in one group, I
6 don't think it would be very easy. You know I mean,
7 regions?

8 THE CHAIRMAN: Oh yes.

9 MR. USHER: I don't have too
10 much to say. Something else might come to my mind.
11 I haven't anything to read out in front of me right now,
12 just what the chief told me.

13 THE CHAIRMAN: Yes, well thank
14 you very much. Mr. Pimlock.

15 MR. PIMLOCK: Mr. Commissioner,
16 I am the resource worker that's been referred to this
17 morning in COPE's brief. I am working in this part of the
18 Arctic at the present time as a resource worker with
19 COPE, and my services are provided by the Canadian
20 Arctic Resources Committee, and I wanted to speak just
21 very briefly about the Canadian Arctic Resources
22 Committee and what I think the presence of the Committee
23 and southern oriented interest groups might
24 mean in terms of northern people, and particularly
25 northern native people.

26 The Canadian Arctic Resources
27 Committee is certainly the first to recognize that when
28 consideration of support for work which is done here,
29 the native people's interest must come first. There
30 is just no question about that.

1 The other side of the question
2 is that sometimes things like that can be said and
3 they don't always mean quite the same way that they
4 sound. Sometimes it has been made clear to me in the
5 months that I've been working here, that sometimes the
6 native people feel that when white society is speaking
7 about how they can be helped, sometimes the things that
8 are being proposed are being proposed to divide them
9 and cause them more problems than really cause them
10 help. I think, in thinking about such things as the
11 application of Canadian Gas Arctic, that this is part
12 of the thing, one of the things that must come into
13 consideration.

14 When the pipeline company or
15 the oil company wish to get help in a particular area,
16 they will travel all around the world to get that
17 help. I studied some papers in preparing a report
18 for COPE, and it referred to a large organization in
19 Texas which has been hired to provide the company's
20 background information on the storms which might occur
21 in the Beauford Sea when they're operating there. So
22 in preparing this application the Canadian Gas Arctic
23 Studies Limited has gone almost all over the world and
24 certainly all over North America to get help, and
25 surely now the role people, even though they come
26 from the south, but if they wish to participate in
27 this endeavor, if they wish to make some contribution
28 and help the northern people to gain some understand-
29 ing of some parts of it which may be difficult with
30 their lone resources to obtain, this avenue should not

1 be closed out on any narrow sense of priorities .

2 This was really the thought
3 that I wished to bring, that in considering such a
4 venture, a very wide area of interest and expertise
5 is necessary and it's been stressed very strongly today
6 the need for the input from the native communities, not
7 only from the communities but from all segments of the
8 community and particularly the people in those communi-
9 ties who are still hunting and trapping, and then as
10 you go up the scale in considering this large mount^{ain}
11 of paper which has been provided in support of the
12 application, there is at each different level, different
13 people that are needed to look at it, even as the
14 pipeline company found it was necessary to get people
15 at different levels to compile that information.

16 So I'm saying that in fairness
17 of the review of the application, the interests of the
18 native people in the north is particularly concerned
19 but there are interests that reflect all of Canada and
20 there is expertise and people who are capable of doing
21 the work from many different parts of the country, and
22 if their input was not available to the people of the
23 north, consideration of the application could only be
24 -- would only be incomplete.

25 That's all I -- I would like
26 to say that we did not intend to say anything about the
27 role of the Canadian Arctic Resources Committee here
28 because this was spoken to at Yellowknife, and again
29 will be further representation, I believe, by the chair-
30 man of the Canadian Arctic Resources Committee at Ottawa

1 on May 6th; but I just wanted to say that the Canadian
2 Arctic Resources Committee is a group comprised of a
3 number of Canadians, including the leaders of both
4 the Inuit Tapirisat of Canada and the Indian Brotherhood
5 of the Northwest Territories, and it works in two
6 particular areas, in attempts to bring the interests
7 of the native people and the belief of this group of
8 Canadians that the Government of Canada and the people
9 of Canada should come to terms and settle these claims
10 prior to major development. This is stressed in a
11 little paper we have here called,

12 "1973: Summing Up."

13 The objectives of the Committee are stated there. There's
14 a man in this room who is our executive secretary, Mr.
15 Kitson Vincent, and any person who wishes to have a
16 copy of this statement, it gives the names of the
17 members of the Committee and some of the objectives
18 of the Committee, they can obtain a copy of the state-
19 ment from him.

20 On the other side of the
21 question of the Northern Affairs the environmental
22 aspects of the interests of the Committee. We have
23 worked very hard to bring into perspective the
24 need to protect the northern environment in the course
25 of development -- of developing the north. In many
26 cases it may be possible to have development and to
27 protect the environment, but this is not been the habit
28 of our society in the past. We've been inclined to seek
29 development at any cost, and the role or the attempted
30 role of the Canadian Arctic Resources Committee is to

1 try to bring focus on these questions so that the
2 people of the north and the people of all of Canada
3 can see what is possible in maintaining an environment
4 and in bringing development of the north into a reason-
5 able perspective, both with respect to time and with
6 respect to interest of the native people.

7 Thank you.

8 THE CHAIRMAN: I understand
9 that Mr. Holman, the Mayor is here and wishes to say some-
10 thing.

11 MR. Holman: O.K., thank you.

12 On behalf of the elected
13 at
14 Council of the Town of Inuvik, the preliminary hearing
15 of the Mackenzie Valley Pipeline Enquiry, I would like
16 to table this brief for your consideration.

17 THE CHAIRMAN: Would you like
18 to read it, sir?

19 MR. HOLMAN: If you wish.

20 The Town Council unanimously
21 1.
22 concurs with the proposals submitted by Inuvik & Dis-
23 trict Chamber of Commerce. Also,

24 2. Hearings should be held in
25 settlements in the valley, which is the area primarily
26 affected by the development. We felt that having
27 hearings at Yellowknife was similar to Toronto Council
28 coming to Edmonton to discuss the extension of the
29 Spadina Expressway.

30 (LAUGHTER)

3. Hearings by the National
Energy Board and Department of Indian Affairs & Northern

1 Development should be held without an unreasonable
2 lapse of time between then, so the subject matter may
3 be carried over from one to the other.

4 4. That verbatim reports be made
5 available to all who wish copies within the next 36
6 hours of their presentation.

7 THE CHAIRMAN: Thank you very
8 much. Now I'd like to ask Dr. Fyles, leading the
9 Assessment Group, a group that is assessing Arctic
10 Gas pipeline application, I'd like to ask Dr. Fyles to
11 tell you about the group and the work he's undertaken.

12 DR. FYLES: Thank you, Mr.
13 Commissioner. *We* dealt with this matter rather
14 briefly this morning, but perhaps I could say a few
15 words to amplify what are trying to do.

16 The Pipeline Application
17 Assessment Group of course is a governmental group
18 which has been assigned to appraise and review the
19 Canadian Arctic Gas application, in terms of the socio
20 economic, environmental implications of the proposed
21 project within the Northwest Territories and the Yukon.
22 The assessment is designed to be generally useful to
23 governmental agencies, both federal and territorial
24 governments concerned with the application. These
25 agencies presently lie within the Department of Indian
26 & Northern Affairs, Department of the Environment,
27 Northwest Territories and Yukon Territory Governments.
28 Also it will be useful to the National Energy Board and
29 to this enquiry.

30 The group will proceed

1 independently in doing its task. Findings will be
2 released in a public report. These findings will not
3 be binding on any group or agency, but various groups
4 may choose to use or to adapt these findings to meet
5 their own interests and their own responsibilities.
6 The group operates under and reports to ^{the} Environmen-
7 tal-Social Committee of the Task Force on Northern
8 Development. It is, however, separate from the
9 Environmental-Social Research program. It is not tied
10 to the findings of that program, rather it would
11 draw upon all previous studies and all presently
12 available information.

13 In conducting the assessment
14 particular attention will be paid to the environmental
15 and social concerns set out in the 1972 Guidelines for
16 Northern Pipelines.

17 The group has been brought
18 together to take advantage of expertise residing with-
19 in the government and use the available specialists in
20 a co-ordinated way. A core group has been seconded
21 on a full-time basis for various agencies such as
22 Indian & Northern Affairs, Department of the Environment
23 Energy, Mines & Resources and the Territorial Govern-
24 ments. This core group will have access to a variety
25 of additional specialists and is to draw upon them for
26 short periods as and when required.

27 I have a list of people in the
28 core group.

29 THE CHAIRMAN : Let me say now if any of you
30 have anything further to say or you wish to ask about

1 Dr. Fyle's group any questions in greater detail you
2 may do so now.

3 If you like, we'll go back to this side of the table
4 and see if anybody either wants to add anything or ask
5 any questions, we'll start with you, Mr. Reesor.

6 MR. REESOR: Thank you,
7 Mr. Commissioner. I'm wondering what contact your
8 group will have with the Territorial Government, if
9 they'll be afforded an opportunity for input, or if
10 it will be purely a case of you presenting a report to
11 them. Will it be to the Commissioner or to he and
12 the Department of Economic Development, or what are
13 the mechanics of this, because we're concerned about
14 the place of the Territorial Government in this whole
15 stew of various groups and organizations and govern-
16 ments that are involved in this matter.

17 DR. FYLES: You can see from
18 this list , we have on our group an officer of the
19 Government of the Northwest Territories to look after
20 the interests of the Territories in the assessment
21 exercise involved.

22 We also have a direct contact
23 officers at Yellowknife so that if any area of
24 review we encounter bears upon matters relating
25 to the Territorial Government, we can go directly to
26 him and he will put us in contact with the relevant
27 specialist or agent of the Territorial Government.
28 So that throughout the project we will maintain as
29 close a contact as is possible.
30

1 This of course does not affect the position of the
2 Territorial Government in our report. The Territorial
3 Government and anyone else may use it in any way
4 they wish.

5 MR. REESOR : But they'll be
6 receiving a copy the same time everybody else will?

7 DR. FYLES: Yes.

8 MR. REESOR: Thank you.

9 THE CHAIRMAN: Anything else
10 you wish to raise at this time? Does anyone from COPE
11 wish to ask any questions of the Assessment Group?

12 MR. PLIMLOCK: Yes, I am now
13 speaking as part of my work as resource worker with
14 COPE and we would appreciate having more understanding
15 of the way the Assessment Group operates, just who the
16 Assessment Group represents. Does it represent the
17 Government of Canada? Does it represent the Department
18 of Indian & Northern Affairs? To what extent does it
19 directly represent the interests of the Department of
20 the Environment and the Territorial Game Service?

21 DR. FYLES: Well, I wonder if
22 we could stop there first?

23 MR. PLIMLOCK: Yes.

24 MR. PRESCOTT: I'll try to res-
25 pond to that. As I said in my statement, the Assessment
26 Group is to do a job independently. Although the people
27 on the Assessment Group have been seconded from several
28 departments, to as large a degree as possible they are
29 there as a group ^{specialists} working as a group rather than as
30 representatives of their parent agency whose views

1 are to be brought into the group. The basic exception
2 in this regard are the two Territorial Governments who
3 have a very special interest and the people from the
4 Territorial Governments must wear two hats, that is
5 they must take part in the assessment work of the group
6 as individuals, and must also keep their ears and eyes
7 on problems that are concerning the Territorial Govern-
8 ment; but apart from that function, ^{the members of} the Assessment
9 Group are there to work as independent specialists to
10 help reach a consensus of opinion, an assessment of
11 the application, as objectively as it can be done, and
12 not specifically reflecting the point of view of any
13 particular agency or government.

14 A VOICE: A second and related
15 question, Mr. Commissioner. Dr. Fyles referred to a
16 group of people who would serve the interests of the
17 core group and who would assist the core group. COPE
18 would like particularly to know in the field of the
19 basic animal resources, because these are of great
20 interest to trappers, to the people generally who draw
21 on fish, fur-bearing animals, wild birds and so on,
22 and we would like to have a greater understanding of
23 the nature of the secondary group, if possible, for the
24 people who are involved in the evaluation of animal
25 resources ^{that} can be drawn upon.

26 A VOICE: You already have
27 received Dr. Fyles' list of members of the core group.

28 A VOICE: Yes, but beyond that.

29 A VOICE: The people beyond
30 the core group --

1 A VOICE: We'd like to have
2 some appreciation of who would be involved there. He
3 referred to another body of people in a rather general
4 way who would serve the interests of the core group,
5 and if perhaps a word of explanation is in order --

6 DR. FYLES: I would like to
7 answer that.

8 A VOICE: Yes.

9 DR. FYLES: As will be noted
10 from the list, the officer dealing with the wildlife
11 ecology is Mr. Bill Prescott, of Canadian Wildlife's
12 Edmonton Office. He has been head of their programming
13 in the Mackenzie area and consequently he has access
14 and advice and direct involvement with any officers of
15 the Canadian Wildlife Service operating out of Edmonton
16 he may need in the course of his task. He also of course
17 will establish close communication with the officers
18 of the Territorial Game Department, and will draw upon
19 their experience and knowledge

20 A VOICE: Mr. Touchard, I'd
21 like to outline the fact that COPE feels that this is
22 a matter of very great importance. Now Mr. Prescott
23 is known to some members of the organization this role he
24 has played it is obvious he is ^{a respected} member of the service.
25 His field experience, however, does not lie very
26 strongly in the region of the Delta-Beauford Sea area.
27 The Canadian Wildlife Service comprises many people
28 who have done very intensive work on caribou, on water-
29 fowl, and it is extremely important in the opinion of
30 COPE that the resources of these people be freely and

As I understood him to suggest he put forward the idea that community hearings should be held sometime this summer, and I believe he said after that, he said the ^{assessment} group's report would come out.

I would like to state very strongly that it seems to me that that would be a very illogical approach. Dr. Fyles has described the people who are going to be working on this Assessment Group, they have been described as some of the top specialists, top experts available in the Government. This report of the Assessment Group is to be made public, and it seems to me that it is very soon to even consider beginning hearings until such time as the Assessment Group's report has been made available and until native organizations and other interested people have had full opportunity to utilize that report to the extent that they think it advisable and to assess the report of the Assessment Group. I feel that it would be silly to consider starting hearings before that report because otherwise what's the point of having an Assessment Group if these community hearings were to be held in advance of that report and before people had a chance to evaluate it? It seems to me an exercise in futility from the point of view of native organizations in even having an Assessment Group.

1 MR. PLUIM: It seems to me
2 that the main topic that has come up this morning was
3 the funding of various groups and organizations and more
4 research, and I speak on behalf of the Chamber of Com-
5 merce in this respect. We feel, "Let's get on with the thing
6 and put our money into helping the needy people,
7 preparing them for when the pipeline comes." The
8 more research we put into this, the more money it's
9 going to cost us, and the more delay. The delay in
10 the end is going to be so costly that we, the citizens
11 of this country, aren't going to be able to afford it.
12 Let's put our money to some practical use instead of
13 funding this and funding that, and getting no direct
14 results.

15 That's about all I've got to
16 say, Mr. Chairman.

17 THE CHAIRMAN: Mr. Cook, do
18 you wish to add anything?

19 MR. COOK: No.

20 THE CHAIRMAN: Mr. Goldie, is
21 there anything you wish to add?

22 MR. GOLDIE: I don't think so,
23 thanks, Mr. Commissioner.

24 THE CHAIRMAN: Well, anything
25 else anybody wishes to say? Yes.

26 MISS HUNT: I have a couple of
27 more points. This relates to the question of funding
28 and follows directly on what Mr. Pluim had to say.

29 In the first place I would
30 certainly take issue with his statement, "when the

1 pipeline comes". I think it's clear that there should
2 be no assumption that there's going to be a pipeline.
3 One of the purposes of this enquiry is to investigate
4 the impact.

5 I disagree with his suggestion
6 that no further money should be spent on resources for
7 research. I think that if we want to use the word
8 "practical" as he has, that it's a very practical way
9 to use money because how else can people properly con-
10 sider the whole question of the pipeline unless they
11 are given an opportunity to use resources, to do
12 their research, to do their assessment of the pipeline?
13 Without that there cannot be a full consideration of
14 all the issues which concern people.

15 The second thing, just on the
16 question of funding I believe you mentioned at least
17 in your own mind the possibility that requests for
18 funding should be put before you
19 and I was just wondering if that is your ^{firm} position?
20 I would suggest that in view of the time given to this
21 hearing that that's just too soon.

22 THE CHAIRMAN: Well, I can't
23 make any commitment at all about the question of
24 funding, but it would assist me in considering that
25 if any organization that is seeking funding will let
26 me have by May 6th, in Ottawa, an outline at least
27 of what it is that is sought. Do the best you can
28 by May 6th. You have had some time to consider the
29 personnel you might need, the studies you want to
30 undertake and you may have some idea of the expense,

1 I don't know. If you would consider those matters
2 and be in a position to let me have them, at least
3 a kind of outline by May 6th, then it helps me to
4 consider the whole matter. That is what I said in
5 Yellowknife, at least that is what I intended to say.

6 MR. REESOR: COPE shouldn't
7 feel too badly about having three weeks to prepare,
8 they got a letter. Unfortunately we didn't receive
9 one. I noticed in the paper that these hearing were
10 being held, so we are here.

11 The matter of timing, of course,
12 is a tricky one and since I gave the statement this
13 morning, several people have misunderstood to a certain
14 extent what I was saying about out position on timing.
15 We aren't saying that we are specifically standing on
16 on the recommendation that the timing of the hearing
17 should be late summer or fall. What we were saying is,
18 giving the financial ability, which we will be seeking,
19 and the information from CAGSIL and other areas, other
20 groups that we require, then we would push as hard as
21 we could to have something ready by that time because
22 of the pressures, the competitive pressures from other
23 areas, for instance the El Paso application. So we
24 see this conflict. If it doesn't happen within a
25 fairly short time span we could lose the whole show.
26 We have gone on record as supporting the pipeline.
27 There are a number of conditions that have to go along
28 with it. We certainly don't want to lose the thing.

29 That sort of broadens our position
30 and makes it a little clearer.

1 MISS HUNT: Just one further
2 point on this question of -- I would just like to
3 mention that Arctic Gas has said that a further study
4 on the socio-economic aspect of the pipeline is going
5 to be relased by about June 1st. As I understand it
6 that was going to be a rather major portion of the
7 socio-economic background. So although it may be
8 possible to have an outline at that time there is that
9 factor that these further studies when it is released
10 and if it is very substantial ----

11 THE CHAIRMAN: Can you tell us
12 Mr. Goldie whether the further studies, the socio-
13 economic study that you have mentioned, if it going to
14 be substantial?

15 MR. GOLDIE: Mr. Commissioner,
16 I am instructed that the socio-economic study to be
17 released or-- is in the course of being printed, is
18 the back-up material for Volume 14 C of the application.
19 It contains, as it were, the raw material from which
20 this volume was taken. It is prepared by Gemini North
21 and it will be a fairly substantial volume about the
22 size of a couple of hundred pages, I would think.

23 It will contain the statistical
24 material and other material that is, in part, the
25 foundation of the section 14 C statement. There will
26 be nothing of a novel character in it, but it will
27 provide, if I may put it this way, the sub strata
28 of the material for exhibit 1.

29 THE CHAIRMAN: Yes, alright.
30 Thank you.

MISS CORNOYIER: I would like to say something in connection with the studies . When we presented the report the studies were mainly a preperation and information of people. I think we missed a few points in the translation, even though I am speaking English. It is easy for you to set a deadline for May 1st and make us realize that you have to work within that framework, but in terms of the settlements, I really feel that more time is needed. Just to give the information to the settlements so they will -- the possibility or there could be some way to have an input into the pipeline hearing and to say what is important to do. Even to get that message from here to Aklavik or to Fort McPherson, Fort Good Hope and down the line, it is a difficult job. I realize that you don't come from the north and I realize a lot of people who are in this room live in Inuvik and they have a lot of things easily accessable to them, but from my experience just to get that information across to the people, to say that they can have an input, and to get some response from them is going to be time consuming. I could say, sure, we could draft you an outline of what we think as a small group by May 6th, but I don't think we will be being fair to the community. This is what has been stressed time and time again because these are going to be affected. In terms of that, the Assessment Group, I don't know -- it is going to assess a study that has not been done by the native people as a whole. In terms of that that is unfair as well.

1 THE CHAIRMAN: Excuse me, I
2 don't quite follow you. You said the Assessment
3 Group is going to assess a study ---

4 MISS CORNOYIER: Will not be
5 assessing a study or any presentation by the
6 community.

7 THE CHAIRMAN: I think that
8 is fair to say.

9 MISS CORNOYIER: In that sense
10 that is not fair to the people in the community and
11 this is one of the points that we are trying to get
12 across --

13 THE CHAIRMAN: Can I interrupt
14 you for a moment. To be fair to the Assessment Group
15 they have been asked or told by the Government of Canada
16 to assess the material that Arctic Gas has filed and
17 then to make their assessment available to you and to
18 all of the other groups and to Arctic Gas and to me.

19 I don't think anyone has suggested
20 that the assessment group should assess the communities,
21 I think that all of you have said today that I should,
22 in a way that has yet to be worked out. That I should
23 hold meetings in the communities to consider as best I
24 can the feelings of the communities.

25 Now forgive me for interrupting.
26 I only said that because no one has, so far, suggested
27 that the Assessment Group should be considering what
28 is said in the communities.

29 MISS CORNOYIER: Mr. Commissioner
30 all I saying is that the Assessment Group is studying

1 socio-economic s and they are not presented by the
2 communities. The communities have not much opportunity
3 to handle things like that.

4 In your consideration of the
5 pipeline and the drawings on the map other areas that
6 haven't been considered is where the gas will be coming
7 from for the main pipeline and how that would affect
8 the communities off the main route of the pipeline.

9 THE CHAIRMAN: I think that is
10 included in the Guildlines, but of course this is
11 subject to what everybody else has to say, but I think
12 that is included. I think I am expected to look into
13 that. I may have misunderstood the Guildlines, but
14 gathering lines and the other facets of the pipeline
15 are included within my terms of reference, when the
16 terms of reference are read with the Pipeline Guidlines.

17 What you are saying, I take it,
18 is that I should be looking into that. If that is
19 what you are saying I am inclined to agree, subject
20 of course to whateverybody else has to say.

21 MISS CORNOYIER: You see, because
22 I am very sure that places that will be affected like
23 Tuktoyaktuk have not been informed, or by and large
24 they feel they are not included in these kind of hearings.
25 In order to bring that kind of information to them will
26 be a new thing starting today.

27 MR. BLAKE: I would like to
28 comment b ack on what was said by Colin Allen this
29 morning concerning the trappers and the outlook of the
30 trappers.

1 Now, as the natives of the Delta
2 here we rely on the Delta-- he said before these
3 seismic lines came through like, this morning Chief
4 Tetlichí from McPherson said so about the seismic
5 lines. We got this in our minds that a lot of times
6 even though we are wage earners we rely on the land
7 for our livelihood at times when there is change in our
8 life style.

9 When we go back to the land we
10 rely on the land as a bank. We have to work to draw
11 the cheque out of the country -- like fur or muskrat
12 or something like that. We rely on that a lot of the
13 times. This is why it is very important when we talk
14 about seismic lines, exploration in the so called
15 Delta here is it very important to us. Land to us,
16 at one time, anytime that we like to rely on the land
17 it don't cost anybody that much. We know the life
18 style and how to go back to the land.

19 What I am saying is anytime we
20 rely on the land it is sort of our bank, like. Looking
21 at it from a trappers point, if I were back on the
22 land again I would very strongly --- These are the
23 kind of people that need information about the development
24 of the north. Especially for themselves trying to
25 survive in the new environment they need this information
26 from us.

27 Also the land, out in the land
28 it is also your deep freeze and the food is out there.
29 When I talk about -- I am trying to keep this short,,
30 when we talk about food prices today. The prices of

1 beef scares me sometimes. Some day, if we damage the
2 environment of the northern people I am pretty sure
3 that we can't afford to buy the beef to feed them.
4 So we are going to have to, along the line, benefit
5 these people along the line, where they will always
6 have access to use their own food, country food in
7 order to survive. I think it is very important.
8 Today, alot of us people in the north here rely on
9 food off the land. When we got these prices we have
10 to.

11 We have to think very strongly
12 along the line that we don't want to take the livelihood
13 away, because of we do we are going to have to feed
14 these people. They have to survive someway. It is
15 only our own creation where we are going to build
16 another kingdom of some sort where we feed and get
17 nothing back.

18 Thank you.

19 THE CHAIRMAN: Does anybody on
20 this side of the table wish to add anything?

21 MR. ALLEN: I would like to say
22 a few words about this native rights in the north.
23 The northern people live off the land they work the
24 land for a living. The oil companies come in and want
25 more land and more land and more land. There is only
26 a limited income to be got when he is trapping furs.
27 Some of the time you have got nothing, see. The trapper
28 works pretty hard all the time. Maybe three or four
29 months and get a muskrat, a good muskrat trapping and
30 the rest of the time during the summer he can't get

1 a job. He has never been to school, he can't get a
2 job. He is a trapper. The only income he has got is
3 from trapping and the rest of the time he has no work
4 coming. The land is destroyed by the white people.
5 The white people get big money out of that land, that
6 is what they do, out of that trappers' land. The
7 poor trappers, he don't work for anybody it is only
8 a little money he has made out of the land.

9 That is what I think.

10 THE CHAIRMAN: Thank you.

11 MR. PLUIM: Mr. Commissioner,
12 one thing I was going to ask here is that you have
13 heard so much about the trapping and so forth and
14 what the oil companies have done to the land. What
15 I would like to know is how many of these people that
16 are represented here, actually do make their living
17 off the land one hundred percent?

18 THE CHAIRMAN: Well I think you
19 are getting into an area that we might be better off
20 to leave for the hearings, Mr. Pluim.

21 I think you have all told me about
22 as much as you have got to say today.

23 MRS. STEWART: Mr. Commissioner,
24 I have listened with a great deal of interest to the
25 comments made here today and it seems to me that this
26 has developed into a war of words. On the one hand
27 we have people saying we must have our land claim
28 settlement and at the same time more or less deterring
29 any steps toward progress and development in the north.

30 On the other hand if you look at

1 the future it seems that if we stop progress and
2 development in the north we in fact destroy the economy
3 of the north. The people from COPE, the Inuit Tipirisa
4 and the Native Brotherhood have stated they would like
5 self government. Without these resources in which
6 through royalties, taxes etcetera, there is no way
7 there ever will be self government in an area which
8 cannot support itself and without development of the
9 natural resources there is no way you can accomplish
10 that.

11 It also seems to me that, I get
12 the definite opinion that, it is my own opinion, that
13 in the submission of COPE it is not a submission
14 concerned with impact on the communities in the north,
15 it is rather a plea for more funding on an organization
16 that is possibly over funded to begin with.

17 The statements have come out that
18 big business and southerners coming into the north
19 with the attitude that we do not think the native
20 people are entitled to this funding. We do in fact
21 think they are entitled to this funding, however,
22 we are not seeing anything coming out of that funding.
23 They have not, as yet, presented to the Government what
24 their land claims are, what exactly they want and
25 they have been collecting these fundings for a number
26 of years and they have nothing definite, no definite
27 position from them on what they actually feel they
28 want.

29 I don't think there is anyone in
30 this room today that they can say that they do not want

1 to see an effective, just and equitable settlement for
2 the native northern people in the Northwest Territories.
3 They feel it is their just right to do so. But it is
4 not the government that is holding up the land claims
5 issue, it is fact the Indian organizations will not
6 -- are not prepared to present their case at this time
7 but must have additional funding to go on and on and on.
8 I would surely like to know for how long the people
9 must contribute to this funding? While we are investing
10 our money in the north we are also investing our money
11 into their funding programmes because it comes from us
12 basically in taxes etcetera from the Federal Government.

13 We don't deny them the right to
14 research their claims, but how long is it goin g to
15 take them to decide exactly what they do want.

16 MR. CHAIRMAN: Well I think that
17 I can say that I found the views expressed here at
18 Inuvik very helpful. I will bear all that has been
19 said in mind in making my decision in due course
20 about the way we are going to run this inquiry.

21 If there is anybody else who would
22 like to speak before I bring the meeting to a close?

23 REVEREND FATHER ADAMS SPEAKS FROM BACK IN THE
24 HALL)

25 MR. CHAIRMAN: You wanted to
26 say something Mr. Thrasher?

27 MR. THRASHER: Yes.

28 There has been some comment on why
29 the natives want government funding and also why the
30 natives want to state their reasons. As well as anybody

1 who comes into this country with their interests, their
2 interest as miners and oil companies we know the power
3 and resources of the resources. They want power, they
4 want oil, they want gas. We know that is what they
5 want very much. In order to get that they have to go
6 through the native lands and lands claims, they have
7 to first settle the land claims because years ago
8 what some of the natives say, you know, when they talk
9 about their own native land. You will hear someone
10 say, you know, this year we will work for a hundred and
11 fifty dollars, but they will get about ten in money.
12 And maybe in the same year he is going to get another
13 fifty wolves, or maybe his son will go out and get
14 about a hundred minks. That is worth maybe fifty dollar
15 each. Some years are very good, some years are
16 bad. We depend upon the good years. During those
17 bad years well the stock, like your own livestock on
18 the farm in the same way, depleting them in the same
19 way. The same with the muskrat, some years the muskrats
20 are good and sometimes they are no good. They are
21 worth dollar for dollar every year. Say for instance,
22 if you say for just one good year in the whole Mackenzie
23 Valley, in the whole Mackenzie Valley, say that there is
24 at least a million muskrat, they are worth about five
25 dollars each. Now that is what it is worth. That is
26 the interest the native want to claim.

27 They have a reason to complain,
28 you know, really. Why they want some land claims,
29 why they want to get paid for their land why they want
30 to research it. Why the research has to be funded.

1 The Caribou, I don't know how
2 many thousands of Caribou there is out there. Well we
3 have to buy our foods from the stores. I remember when
4 I first came to this country right here. I mean when
5 I first started working in Inuvik. I used to get some
6 food from around here, you know, like moose, rabbit,
7 something like that. Especially moose, right here,
8 right in this town, and now they are all gone. There
9 was nothing once in this town when I first started.
10 In fact you see our roads out there. Just about all
11 the roads I built them. Now there is research, oil
12 companies coming in, mineral inspectors coming in.
13 More and more. Government is coming in, and us, we
14 are being pushed out you know. That is what the natives
15 think.

16 Now there some research coming in
17 to any one of these aspects, something should be done,
18 or money to be -- we need funding, you know, an
19 organization like COPE, it has been on for how many
20 years now, three and a half years, there is a Chairman
21 or president, vice president and secretary and they
22 haven't been fooling around, they have been working
23 very hard. Long hours too. Flying hours, travelling
24 hours, office hours.

25 I sometimes even have to do work
26 on my own time, spending my own money. And I am not
27 the only one doing that too. I bet you some of the
28 other guys as well.

29 Land here also, we know it takes
30 a long time to grow once it has gone down. Years.

1 Also, noise pollution bothers
2 animals we know that. Just a little drop of oil
3 in one lake it will kill a bunch of flies and they
4 will be dead when the fish come to take them and that
5 is it, the fish is gone too.

6 The reason why the natives want
7 to save their interest is that they have made their
8 living for a long time. The natives are the ones
9 actually who worked and opened this town too. They
10 worked and laboured before most of us here come.
11 It was their land and still is.

12 Exploration is coming, it is
13 coming, we know that.

14 The guys that are living in town
15 now, the natives, still go out and hunt, get a few
16 muskrats, a few mink, some Caribou meat, so as to save
17 a little for themselves. The wages aren't too high
18 either. some of them are very poorly paid.

19 They know how much money the white
20 people are spending. The natives knew how they made
21 their living and there is sort of a transition of the
22 old way there and the new way coming now. There are
23 some still in the old way and want to stay in some way.

24 We will give a little, but the
25 government will have to give a little too, or whatever
26 company or whatever people who have interest in business
27 will hve to give too. Give a little.

28 I think that is about one of the
29 ways that it is going to be worked out. For them to
30 give a little and we will take a little.

1 We have got lots of shares in
2 this country, the natives have got lots of shares in
3 this country.

4 The kind of furs, mink, foxes,
5 all kinds of -- there is about four different kinds
6 of foxes in this country. Polar bear, that is worth
7 a lot of money too. Caribou hides is worth quite a bit.
8 The meat is worth lots of money, the moose is worth
9 lots of money. You take the mink, Lynx and the Wolverine
10 is worth a lot of money and you get on top of that, lot
11 of rabbits and muskrats. Muskrat meat is very good.

12 The fish in the country is worth
13 lots of money. There is at least twenty species that
14 I know that live in this country and breed. Some are
15 getting less and less. I am sure the only way it goes
16 is with more exploration. We are learning and we
17 know what is a right of way, what is an easement. A
18 right of way for some people to go through, like for
19 instance, someone going through a farmers land. We
20 know about that now. But not all of them, just a few
21 know about that.

22 Funding will be important to us
23 and so are the meetings. I have lived in this country
24 a long time. I was born in this country. I know the
25 people. I know the people that come from the south and
26 I know what they do and I know the people that lives in
27 this country how hard they have it at times and how
28 easy it gets at times.

29 So I hope what I said about the
30 native interests I think is worth just as much as the

1 interests of the south. I think so.

2 THE CHAIRMAN: Thank you very
3 much Mr. Thrasher.

4 Now Mr. Goldie.

5 MR. GOLDIE: Mr. Chairman, this
6 is a meeting for the purpose of endeavouring to assist
7 you in determining procedures to be followed with respect
8 to the main meeting and I sometimes think we have lost
9 track of that objective a couple of times. I
10 simply wanted to say that I hope it is obvious to
11 everybody here that the pipeline company seeks to build
12 this pipeline because it believes that both the north
13 and the south of Canada is going to benefit. There
14 is a need for more natural gas. There is a need for
15 more jobs and a better standard of living while
16 protecting the traditional standards that are found in
17 the north. It is the pipeline company's belief
18 and it has put forth the application on the basis that
19 these objectives are all met.

20 There may be differences of opinion
21 on procedures. It would be nice if they are limited to
22 procedures. I hope that it is recognized that out of
23 what we have heard so far, at least, I think I am
24 speaking correctly, that we all have the same goals.
25 I would expect that I would be putting forward my
26 submission with respect to procedures in Ottawa on
27 May 6th with that taken from something that has come
28 out of the meeting so far.

29 MR. PIMLOTT: Mr. Commissioner,
30 if I might, I would like to make one representation

for COPE and a brief personal one.

With regard to procedures of the main hearing. At Yellowknife there was an intervention made by Andrew Thompson referring to the possible, or the need to include material relating to the potential socio-environmental impact of the hydro Great Bear River project. I believe at that time, Mr. Goldie suggested that since this was not a portion of the applicant's submission that this was perhaps not of direct concern. As far as the Delta and as far as COPE's region in concerned there is a matter which COPE would submit, and this is a point which Mrs. Cornoyier was leading up to, sir, when I think you cut her off by presuming that you knew entirely what she meant to say when she was referring to pipeline feeder lines. As we all know the pipeline is being planned to take advantage of the proven reserves of gas in the outer Delta and particularly those which are located on Richards Island, and also in the vicinity of Parson's Lake.

Well in the environmental statement, 14 D and in section 410-5 where it refers to gas production and processing facilities. It seems very obvious to COPE that the applicant's submission should have included material which related directly to the -- not just to the main trunk of the pipeline itself, but to the feeder and processing facilities which will extend very widely through the Richard's Island area. this is a very important area to the trappers of Tuk. It is used by the trappers of Aklavik and even

1 some who are from the Inuvik area, sometimes trap on
 2 Richard's Island. The applicant's submission, it is
 3 my understanding from the limited work that we have been
 4 able to do on it, that it does not really do more than
 5 to go to the end of the main trunk pipeline. The gas
 6 which comes in from the various places in the Delta
 7 will likely have to be treated for impurities such as,
 8 sulphur compounds, or partly even for the removal of
 9 water. If it is coming in, for instance, with a high
 10 water component that gas may even have to be kept at
 11 fairly high temperatures until it reaches the treatment
 12 facility to keep the water in a form which is not
 13 destructive of the transportation facility.

14 All of these things have potential
 15 socio-economic and environmental effects. They relate
 16 directly to the pipeline application. Since the
 17 application is based on the presumption of the availability
 18 of those supplies, the applicant must surely have been
 19 ready to make a submission which relates directly to
 20 this. In fact Imperial Oil has a several volume study
 21 which can be viewed in the Research Lab here in Inuvik
 22 in which the background studies are presented. But
 23 they have not lead to the development of a direct
 24 environmental impact statement on the production
 25 facilities and I do not believe that it is interpreted
 26 in terms of environmental impact for the purpose of
 27 this study.

28 So in leading farther into this
 29 and coming to the main investigation it may be important
 30 for COPE to be able in dealing with these facilities

1 to file a deficiency here which relates to the fact that
2 these were directly related to the application and
3 background substantive data and background interpretation
4 in terms of environmental and socio-economic impact
5 statements have not been provided.

6 I just wanted to add that to
7 Mrs. Cornoyier's submission to be certain that there
8 was no misunderstanding of what COPE was leading up
9 to here.

10 The personal statement which I
11 wish to make, at your pleasure, is that these meetings
12 have a very direct benefit for you and I think it is
13 very very important that they not end on an entirely
14 erroneous note, which was conveyed by the lady who
15 spoke about what the government has done to provide
16 money for native organizations to study their claims.
17 As a southern white, a displaced southern white, I
18 feel very strongly that a member of white society
19 should not give such an erroneous concept. It may have
20 been brought out at the hearings in Yellowknife, but
21 it is not true that the Indian Brotherhood has received
22 any money for the study of land claims. The Federal
23 Government has been haggling about this question for
24 a couple of years and no agreement, up to this point
25 in time, for funds has been signed by the Federal
26 Government. The Indian Brotherhood has not received
27 one penny up until this time.

28 The I.T.C. has received money,
29 is pursuing this work very actively, very aggressively
30 trying to bring it to a conclusion. This is not the

1 case with the Indian Brotherhood and it could not in
2 any sense be said that the I.T.C. is in a position
3 where it could negotiate if our society wishes to have
4 those negotiations done on the basis of reasonable
5 knowledge of present and past use of the land by native
6 people. I think that we must put that on the record
7 that such an impression should not be the final one
8 that was left before this meeting.

9 Thank you.

10 THE CHAIRMAN: Well I think
11 that we are getting into some of the very important
12 questions that are going to arise at the main hearings.
13 I think that I can say that whether you spoke last
14 or second last or right at the beginning I have
15 what was said by each organization and each individual
16 in mind. I hope you will remember that.

17 I am going to declare the hearing
18 adjourned until ten o'clock tomorrow in Whitehorse.

19 (PROCEEDINGS ADJOURNED TO APRIL 25th, 1974.)
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AUTHOR

Canadian Arctic Gas Pipelin

Mackenzie Valley Pipeline enquiry

TITLE

Vol. II

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Vol. II

MACKENZIE VALLEY PIPELINE ENQUIRY

IN THE MATTER OF AN APPLICATION BY CANADIAN ARCTIC GAS
PIPELINE LIMITED FOR A RIGHT OF WAY THAT MIGHT BE
GRANTED ACROSS CROWN LANDS WITHIN THE YUKON TERRITORY
AND THE NORTHWEST TERRITORIES FOR THE PURPOSES OF THE
PROPOSED MACKENZIE VALLEY PIPELINE

and

IN THE MATTER OF THE SOCIAL, ENVIRONMENTAL AND ECONOMIC
IMPACT REGIONALLY OF THE CONSTRUCTION, OPERATION AND
SUBSEQUENT ABANDONMENT OF THE ABOVE PROPOSED PIPELINE

(Before the Hon. Mr. Justice T. R. Berger, Chairman)

Whitehorse, Y. T.

April 25, 1974

PROCEEDINGS AT ENQUIRY

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1 Whitehorse, Yukon

2 Territories

3 April 25, 1974

4 THE COMMISSIONER: I am Mr. Justice Thomas Berger and
5 I have been appointed by the government of Canada, by
6 Order-in-Council dated March 21, 1974, to conduct an
7 inquiry into the social, environmental and economic
8 impact of the proposed Mackenzie Valley natural gas
9 pipeline.

10 Canadian Arctic Gas Limited has
11 applied to the Minister of Indian Affairs and Northern
12 Development under the Territorial Lands Act for a right
13 of way across Crown lands in the Yukon and the North
14 West Territories. The inquiry that I am to carry out
15 is authorized by Section 19 of the Territorial Lands
16 Act. I am to consider the social, environmental and
17 economic impact regionally of the construction, opera-
18 tion and subsequent abandonment of the proposed pipeline
19 in the Yukon and the North West Territories and I am
20 to consider, as well, the measures which Canadian Arctic
21 Gas Limited proposes to take to meet the specific social
22 and environmental requirements of the expanded guide-
23 lines for northern pipelines tabled in the House of
24 Commons of June 28, 1972. And I am to report upon the
25 terms and conditions that ought to be imposed in respect
26 of any right-of-way that might be granted to Canadian
27 Arctic Gas Limited.

28 This Inquiry is unique in Canadian
29 experience. I am therefore anxious, that the people of
30 the North and all other Canadians with an interest in

1 the work of the Inquiry should have every opportunity
2 to be heard, and that the Inquiry itself should be
3 thorough and complete. I am therefore holding these
4 preliminary hearings because I want to hear submissions
5 from you regarding the way in which this Inquiry should
6 be conducted.

7 The headquarters of the Inquiry
8 will be in the North, but the main hearings, when they
9 do get underway, will be held in the North and the South.
10 I would like to hear your views today regarding the
11 places where the main hearings should be held in the
12 North and in the South. I would like to know how long
13 you expect the presentation of your evidence and your
14 submissions at the main hearings will take. I would
15 like to have your views regarding the form the hearings
16 ought to take. I would like to know whether you feel
17 that I should make use of Inquiry Officers.

18 I have written a letter to native
19 organizations, environmental organizations, Arctic Gas
20 and other interested parties, inviting submissions at
21 these preliminary hearings. As I said in that letter,
22 an Assessment Group has been assembled within the
23 Government of Canada. The Assessment Group consists of
24 experts within the Government of Canada, who are to
25 examine and report on the application that has been
26 filed by Canadian Arctic Gas Limited for a right-of-
27 way. Dr. J.G. Fyles of the Geological Survey of Canada
28 heads the group, and Dr. Fyles is here today, and I am
29 going to ask him later on to say something about the
30 work of the group. Dr. P. J. Rennie of the Canadian

1 Forestry Service, Advisor, Forest Soils, is head of
2 the environmental section within the Group, and he is
3 here today also. Mr. E.E. Weick, Northern Program,
4 Senior Economist, is the head of the social and economic
5 section within the group and Mr. Weick is here today
6 as well. The Assessment Group is reviewing the appli-
7 cation by Canadian Arctic Gas Limited and will report
8 on the extent to which it meets the environmental and
9 social concerns set out in the Expanded Guidelines for
10 Northern Pipelines. Its job will be to conduct an
11 assessment of the application that has been filed by
12 Canadian Arctic Gas Limited. I intend to make the Group's
13 assessment available to all interested parties in the
14 Inquiry. But the Group's assessment will not of course
15 be binding in any way upon the Inquiry.

16 This Inquiry concerns the people
17 of the North and the environment of the North. Let me
18 repeat how anxious I am that every one that wishes to
19 be heard should be given a fair opportunity to be heard.
20 Under the Order-in-Council of March 21st of 1974, I am
21 to lay down the rules of practice and procedure for
22 this Inquiry. I do not wish to lay down any such rules
23 until I have heard your views about the way in which
24 this Inquiry ought to be conducted. That is why I am
25 here today.

26 I should add that Mr. Peter Meyers,
27 the Secretary of the Inquiry, is here and is seated at
28 my right. Mr. Ian Waddell who is Special Counsel to
29 the Inquiry for Administrative Matters is seated to my
30 left. Professor Jackson and Miss Hutchison of my staff



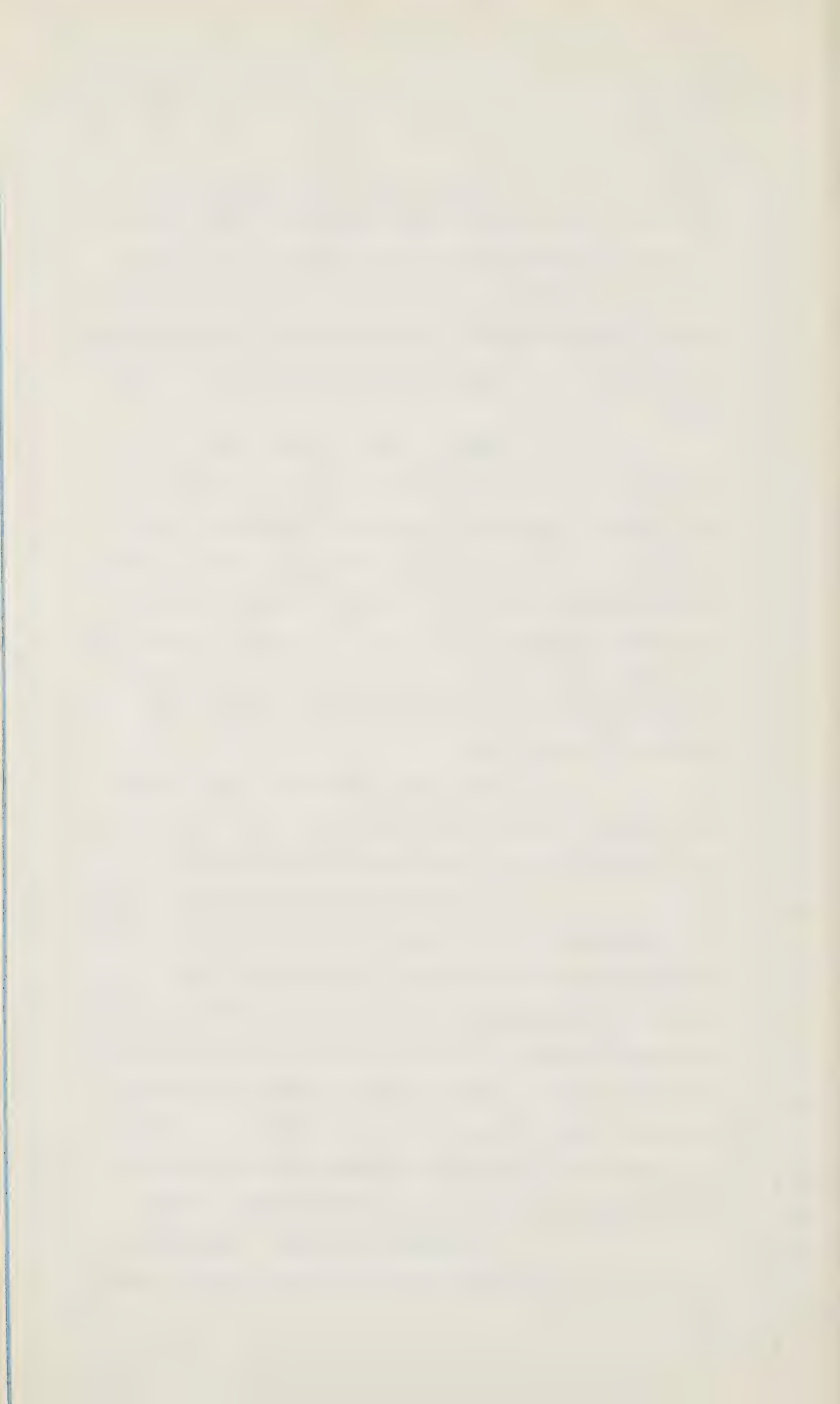
1 are also here. Professor Jackson is seated between
2 the press table and this other table and Miss Hutchison
3 is here on my right, next to Mr. Meyers. Mr. Goldie
4 who represents Arctic Gas, is here with other representa-
5 tives of Arctic Gas, and I understand that representatives
6 of Canadian Arctic Resources Committee are here today
7 also.

8 Today I want to hear the views of
9 any of you who wish to put them forward regarding the
10 way in which this Inquiry should be conducted. Our
11 proceedings will be informal, please feel free to remain
12 seated while you speak, or to stand, whatever makes you
13 feel most comfortable. We won't be swearing anybody in
14 or anything of that sort. This is just an informal
15 discussion and I want everyone to feel free to say
16 whatever is on his mind.

17 Mr. Lueck, would you like to intro-
18 duce yourself and the other members of your party and
19 carry on from there? Will that be satisfactory?

20 MR. LUECK: Certainly, Judge Berger.
21 To my immediate left is Chief Elijah Smith, the head of
22 the Yukon Native Brotherhood. To his left is Joe
23 Jacquot, a Representative of the Yukon Association of
24 Non-Status Indians. Directly to the left of Mr. Jacquot
25 is Charley Able , Chief of the Old Crow Indian band in
26 the Yukon, and on the end is Johnny Johns , a member
27 of the Council of the Yukon Indians, also a Representa-
28 tive of the Yukon Association of Non-Status Indians.

29 COMMISSIONER BERGER: Before we go
30 on, if anyone at the back has difficulty hearing, there



1 are seats in the front if you wish to come forward and
2 sit a little closer to the front.

3 MR. LUECK: Would you be now prepared
4 to hear the Brief of the Council for the Yukon Indians?

5 COMMISSIONER BERGER: Yes, certainly.

6 MR. LUECK: Chief Elijah Smith will
7 now read it.

8 CHIEF ELIJAH SMITH: Honorable Berger:
9 The Council for Yukon Indians is an organization which
10 represents all Indian people in the Yukon Territory with
11 their ancestral rights to the land. It has been specifically
12 set up to negotiate with the Government of Canada for
13 these rights.

14 The position of the Council for Yukon
15 Indians is that there shall be no major developments in
16 the Yukon Territory before the settlement is made with
17 the Aboriginal people concerned.

18 It is realized this preliminary hearing
19 is not to consider the position but to set the ground
20 rules for the hearings in the fall of 1974 so that all
21 interested persons can be heard.

22 The Council for Yukon Indians proposes
23 that:

24 1. That every community along the
25 proposed pipeline route in particular the village of
26 Old Crow, directly affected by the building of such a
27 pipeline, must be visited by the Honourable Mr. Justice
28 Berger in person, so that he will be able to hear the
29 opinions of the people himself, and to see the village
30 first-hand, which will be affected rather than to have



1 the "Inquiry Officers" go to these villages as suggested
2 in the letter of April 1, 1974.

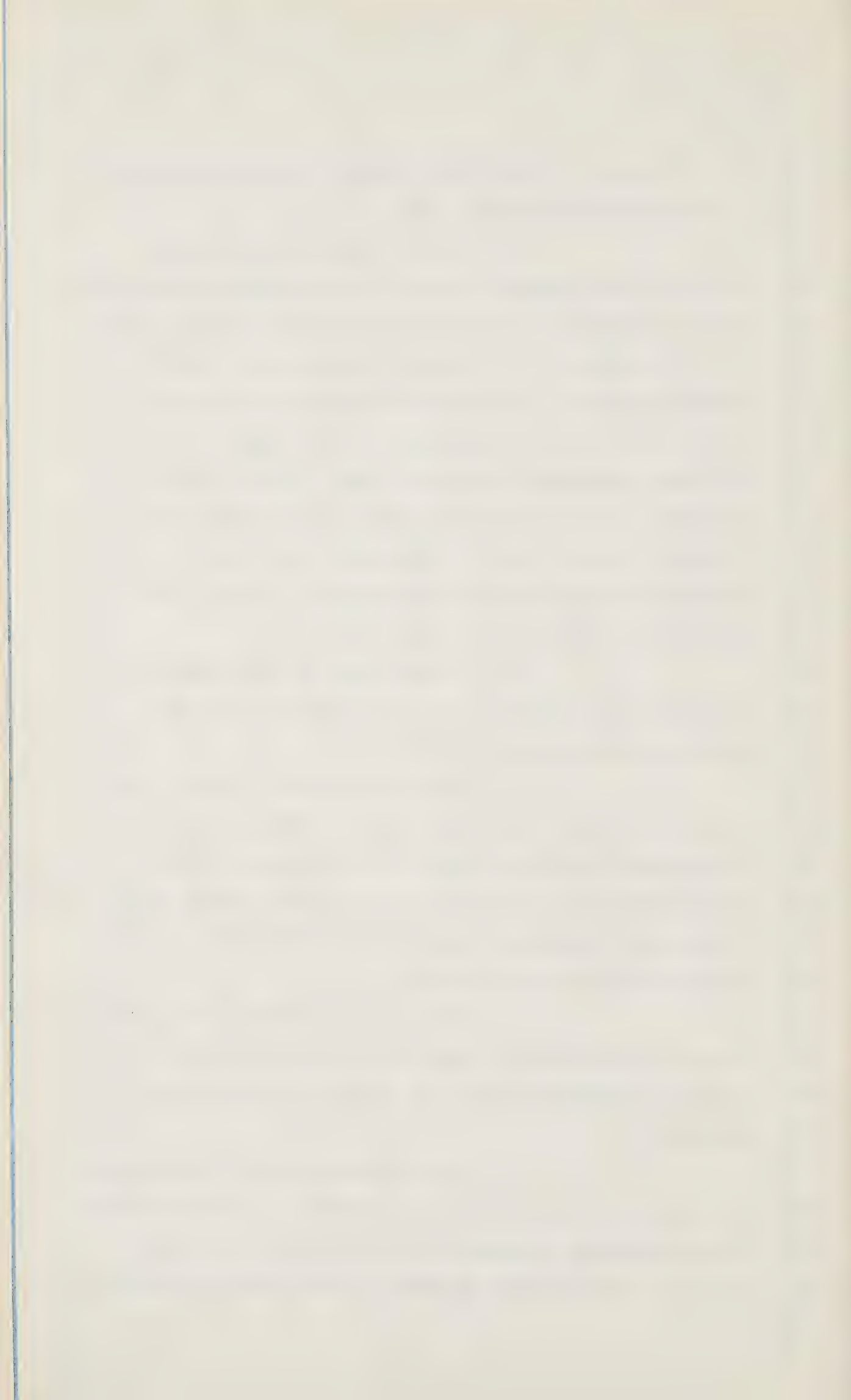
3 2. Prior to the Honourable Mr.
4 Justice Berger appearing at each of the communities involved,
5 such as Old Crow, it is absolutely essential that a team
6 of Native people hold at least two meetings in each
7 community prior to his arrival providing the necessary
8 information to the local people so that they may be able
9 to better understand and voice their opinions when he
10 arrives. It is our opinion that if he proceeds to the
11 villages without these preliminary preparations that he
12 would get no response whatsoever except from the few
13 white people that live in these areas.

14 3. At such time as the preparation
15 work has been completed, only then, should the formal
16 meeting be held in each community.

17 4. The Honourable Mr. Justice Berger
18 should go to each one of the smaller communities before
19 proceeding with the meetings at Yellowknife, Inuvik,
20 and Whitehorse in order that he may have a better under-
21 standing of the entire issue before hearing the formal
22 presentation of interest groups.

23 5. The public hearings at Yellowknife,
24 Inuvik and Whitehorse should be arranged in such a way that
25 persons presenting briefs can be questioned by others
26 present.

27 6. It is requested that the Honourable
28 Mr. Justice Berger place on his staff two persons from the
29 list of persons recommended by the Council of Yukon
30 Indians. One of these persons to work with the Assessment



1 Team mentioned in his letter of April 1, 1974, so that the
2 Council for Yukon Indians may be fully aware of what
3 areas the assessment team is researching. The other person
4 to work locally out of the Inquiry Office at Yellowknife
5 assisting in setting up the preliminary hearing and
6 the community meetings between the Honourable Mr. Justice
7 Berger and the several villages.

8 By appointing two such members of
9 the Council for Yukon Indians it may be possible to
10 save considerable time and effort if our members are
11 assured that the assessment team is researching the
12 problems that the gas pipeline will create, environmentally
13 and socially. The other member working with the Honourable
14 Mr. Justice Berger may be able to assist him in conducting
15 for more rewarding hearings in the communities than would
16 otherwise be possible.

17 7. It will be necessary for the
18 Council for Yukon Indians in association with the other
19 Native organizations north of 60 degrees to research the
20 great bulk of supporting data filed with the application
21 for a gas pipeline, to independently assess the environ-
22 mental and social impact of such a pipeline, and to inform
23 its members of the findings. The cost of such activities
24 should be born by the Government of Canada.

25 The Council for Yukon Indians is
26 prepared to work with the Honourable Mr. Justice Berger
27 to make this particular inquiry.

28 Please contact our organization at
29 any time that you require assistance or information. As the
30 Chairman, I signed it Roger Smith.

COMMISSIONER BERGER: Thank you very much, do you



1 wish to say anything at this time?

2 MR. JACQUOT: No, sir, Mr. Berger, I
3 don't. The only reason I am sitting here is in case
4 there was a discussion and I might have to answer it.

5 MR. LUECK: Justice Berger, If I
6 may. The Assessment Team has been mentioned and we don't
7 understand exactly what they are going to be doing. We
8 don't understand the entire make-up of the team. Is it
9 going to be a very technical research team or would there
10 be some good involved in having a member of CYI on that
11 team?

12 COMMISSIONER BERGER: Thank you for
13 raising that. I assume from what has been said that
14 there are no further formal presentations from those
15 in your party, Mr. Lueck.

16 I'll call on Mr. Goldie for Arctic
17 Gas and then Dr. Fyles, the head of the Assessment Team,
18 but it may be there is somebody else who wishes to
19 make a presentation now. If so, you may or if you would
20 rather wait and make it a little later, you may do that
21 too. I am entirely in your hands.

22 ERIC NEILSEN: Mr. Chairman, there's just one
23 observation that I have to make if these hearings are
24 going to be meaningful at all. There is a vast wealth
25 of information in departmental government files that I
26 am sure will be most useful to those who wish to make
27 meaningful submissions to this commission. It is my
28 suggestion that perhaps the Commissioner should
29 representation to the Government of Canada for this
30 information to be released to the general public, some of

1 which is being withheld now, notwithstanding repeated request for
2 it in the House of Commons. It seems to me that no
3 really in depth inquiry can be made and no full understanding
4 of what we're about unless this information is broken
5 free and made available to mining interest, conservation
6 interest, to native interest and to whoever else wishes
7 to make presentations as to the ultimate deliberations of
8 the Commission.

9 COMMISSIONER BERGER: Thank you, Mr. Neilsen.

10 RON VALE: Mr. Justice Berger, my
11 name's Ron Vale and I am appearing rather informally
12 for the Yukon Resource Council. It's a local environmental
13 group and I just have a few comments, no particular
14 written report to submit. One of the initial concerns
15 that we've had is the overwhelming quantity of data
16 and our problem is that as a small organization and
17 with a small number of people, we have great difficulty
18 in even attempting to make any assessment of it. We
19 support the suggestion that the Council of the Yukon
20 Indians made, that there be some method of either having
21 Resource people available to inform groups or to actually
22 somehow include them in the Assessment that the Commission's
23 making so that they can be kept up to date.

24 The other aspect that concerns us is
25 one of time. Our problem here is that we're concerned
26 about the impact or the Assessment Group of yours and
27 when their report will be made with reference to when
28 your actual inquiries will be held at local village
29 areas. We think that the Assessment Group should report
30 first so that that information will be available to us,

1 to assist in our submission.

2 Thirdly, I can only endorse Eric
3 Neilsen's position on the problem of material available.
4 My understanding is that all the research that has been
5 done, both by Gas Arctic and by the Government bodies is
6 not presently publicly available. And if that is the
7 case, I think it should be.

8 Another issue that bothers us at
9 the moment is the question of alternatives. And now I
10 am speaking of the alternative of the railway. Our
11 submission is that that particular alternative should
12 be fully studied and assessed before the...your inquiry
13 determines whether or not the Gas Arctic application
14 should be approved. I am not aware now of the position
15 of the Government with respect to any inquiries they have
16 set up in that regard. I think Mr. McDonald had set up
17 some kind of research body to determine the viability
18 of a railway, but I believe that should be fully can-
19 vassed long before the Commission actually sits down
20 and has its Inquiry.

21 And in your letter to our group, you
22 mentioned the possible use of Inquiry Officers. I think
23 we would endorse that if those people are chosen by,
24 let's say we're talking about towns and villages along
25 the proposed routes. If those people were chosen by
26 the people that are in those areas, I think they could
27 be very valuable in doing the kind of preparation that
28 is going to required so that submissions can be made.
29 That would have to be tied in with your personal presence
30 and the presence of your Commission as well to really

1 appreciate the nature of the social and economic and
2 environmental impact that will be had on every community
3 along those routes.

4 I don't have any more particular
5 comments but maybe other members of the organization do.

6 MICHAEL BRIAN: I must say it is
7 very nice, if I may so, to see you here and the reason
8 that you are here. It shows an evidence obviously of
9 trying to assess the true impact of this incredible
10 undertaking before this goes through.

11 The only point that I wish to add
12 to Ron's comments just now. There is a wealth of
13 information available and it hasn't been tabled so far.
14 Both by the Consortium, I understand as well as by the
15 Government.

16 There is also many Civil Servants
17 and people attached to Government who have been involved
18 in researches, and we feel that certain pressures will
19 be removed from them if you, sir, subpoenaed them to
20 testify as witnesses during the course of the hearings.
21 We feel that quite strongly.

22 COMMISSIONER BERGER: Mr. Neilsen,
23 and your group have raised very good questions. But
24 before we do, perhaps I could ask if anybody else within
25 the Council wish to say anything? Anyone else present
26 here today who wishes to say something now, if you wish
27 to you may, if you want to say it a little later on in
28 the proceedings, after you get an idea of what's happening.

29 DON BRANNIGAN: It is our intention
30 representing the business community of Whitehorse to

1 present a brief because the impact of this on Whitehorse,
2 being a northern community from the economic point of
3 view and every other point of view I am sure, is great.

4 We're concerned about having more
5 information--I think everybody is, and that point we would
6 back up is we would like to have more information and
7 accurate information. Information that's been passed on
8 so far has been from the Gas companies and I am sure it's
9 slightly biased. And if there is any way that we could
10 get information that is free of any pre-plan, we would
11 like that information made available to us. We also support
12 previous speakers in the idea that maybe some of the
13 alternative studies should be made available and information
14 on them, that is the railroad, to us so that we can
15 assess that possibility. After having all this information
16 we feel an informal type of setting very similar to this is
17 probably a good setting to present briefs in, and we
18 would support that idea.

19 COMMISSIONER BERGER: Perhaps I
20 should read, Mr. Grannigan, a letter from your organiza-
21 tion. It is a letter from the Whitehorse Chamber of
22 Commerce, dated the May 24, 1974 addressed to me in brief:

23 "Dear Sir: At this time, the Whitehorse
24 Chamber of Commerce wishes only to state its intention
25 of presenting a brief in regard to the proposed McKenzie
26 Gas
Valley Pipeline as such times as hearings are held in
27 the north.

28 It is our hope that the hearings will
29 be held in the communities affected by the proposed
30 pipeline and that these hearings be kept reasonably

1 informal to enable all interested persons and organiza-
2 tions, to have input. Yours truly, Labour and Chamber of
3 Commerce, John C. Gillis, President.."

4 (ABOVE LETTER MARKED EXHIBIT 15)

5 MR. CAMPBELL: My name's Campbell
6 and I'm the Manager of the Yukon Chamber of Mines. I'll
7 just read our short submission:

8 "The Yukon Chamber of Mines intends
9 to make a submission to your Inquiry. If the hearings
10 are held in Whitehorse, we plan to appear at them. Our
11 brief will concern availability of natural gas to the
12 people and industry of the Yukon." I have a copy of
13 it here.

14 (ABOVE BRIEF MARKED EXHIBIT 16)

15 DOUGLAS CRAIG: My name is Douglas
16 Craig and I am speaking as the Director of the Yukon Conserva-
17 tion Society, and I support the previous remarks on
18 desiring availability of information, and it would seem from
19 what has gone on is of their various groups being interested to
20 receive, particularly the assessment data. We should
21 work towards as smooth as possible a system of making
22 this available, whether this takes the form of availa-
23 bility in libraries, or organization of seminars among
24 such groups as
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1 COMMISSIONER BERGER: Is there any-
2 body else who wishes to say anything at this time, I'll
3 give everyone an opportunity later on as well.

4 Mr. Goldie, do you wish to say anything on behalf
5 of Arctic Gas in connection with the matters that were raised?

6 MR. GOLDIE: I think perhaps I should,
7 Mr. Commissioner. There are a number of people present
8 who are here for the first time and were not represented
9 in either Yellowknife or Inuvik. And I think I should
10 simply say that the pipeline company has filed its
11 application and its supporting exhibits, which relate
12 to engineering and environmental impact policies touching
13 the social and economic factors in the north.

14 They speak for themselves. An
15 observation was made a few minutes ago a wealth of infor-
16 mation yet to be released. I am not aware of a wealth
17 of information to be released. There is one socio-
18 economic back-up volume, which is in the course of being
19 printed now, and there is an updating of some environment
20 material both of which will be available by June the 1st.
21 Apart from that there has been filed with the exhibits,
22 a number of volumes of back-up material relating to the
23 subjects. I am informed that this material is available
24 in Whitehorse. A copy has been sent to the Territorial
25 Government. I believe a copy was sent to the Council
26 for Yukon Indians, and we plan to have a copy available
27 at some public place.

28 My client believes that the project
29 is in the public interest of all Canadians in terms of
30 economic and other factors of a like nature and that it

1 provides, or will provide, an unparalleled opportunity
2 for economic advancement of the people of the North.
3 It is unnecessary for me to say, Mr. Commissioner, that
4 we are pleased to participate in these proceedings. We
5 have given our views on the procedures which we think
6 most suitable for the object of your commission. However,
7 I might perhaps repeat them very briefly for the benefit
8 of those who haven't heard them.

9 We suggested that there be informal
10 or community-type hearings at any of the communities
11 which would be affected by the pipeline. We think that
12 that would allow you, Mr. Commissioner, to gather the
13 kind of evidence which relates to the impact, the
14 regional impact of this pipeline. Then we understand
15 the Assessment Group's report will be available on or
16 about September the 1st and that that will be distributed
17 to all who indicate that they are interested in these
18 proceedings.

19 Following the distribution of that,
20 we suggested that there be more formal hearings, at which
21 experts in these fields would be made available for
22 cross-examination by all those who wished to participate.
23 WE do not want to **suggest** that these two types of hearings
24 are mutually **exclusive**. We do think that they have
25 slightly different objectives. The first, as I have
26 said, relating more to the impact of a regional character,
27 the second, to the evaluation of the proposals which the
28 applicant has made with respect to those matters.

29 I should perhaps make one observation
30 in view of a remark made by, I think it was Mr. Vale,

1 about alternatives. He will find indeed a very full
2 discussion of alternatives in the material filed by the
3 applicant. That was not the point of my observation.
4 He suggested that such a study should take place before
5 this Commission approve the pipeline. I think with
6 respect, Mr. Commissioner, the approval of the pipeline
7 as to its feasibility, is a matter for another hearing.
8 The particular concern of your Commission is the terms
9 or is to recommend terms and conditions which might be
10 imposed upon this applicant with respect to a pipeline.

11 I think that rather very briefly
12 sums up the position we have taken so far. I should
13 only add this that it is the intention of my client to
14 make a further submission to the final session of your
15 preliminary hearings in Ottawa on May the 6th, in which
16 we will endeavor to bring up to date, if I may put it
17 that way, the procedures which we suggested in the light
18 of the suggestions which have been made by others at
19 these hearings.

20 COMMISSIONER BERGER: Thank you, Mr. Goldie.
21 Before we come back to offer all of you an opportunity
22 to ask questions and to raise any other matters you
23 wish to raise, I think I'll call on Doctor Fyles, the
24 leader of the Assessment Group. Dr. Fyles, is that a
25 comfortable chair?

26 DR. FYLES: Perfectly all right.
27 Mr. Commissioner, there has been a number of comments
28 this morning on the matter of information and on the
29 question of the bulk of information that has to be
30 reviewed and understood in the process of dealing with

1 this Inquiry. The Government of Canada has been rather
2 considerably concerned about this question and with the
3 problem in mind, has convened this Assessment Group which
4 I represent.

5 The Pipeline Application Assessment
6 Group is a governmental group assigned to appraise and
7 review the Canadian Arctic Gas application in terms of
8 the socio-economic and environmental implications of
9 the proposed project within the Northwest Territories
10 and the Yukon Territory. The assessment is designed to
11 be generally useful to those government agencies, both
12 Federal and Territorial, that are concerned with the
13 application. These principally are agencies of the
14 Department of Indian and Northern Affairs, Department
15 of the Environment, the governments of the Northwest
16 Territories and the Yukon. Also of concern to the
17 National Energy Board and to this Inquiry.

18 The Group will proceed independently
19 in doing its tasks. Its findings will be released in
20 a public report. These findings will not be binding on
21 any group or agency, but various groups may chose to
22 use them or adapt them to meet their own interests and
23 their own responsibilities.

24 The Group operates under and reports
25 to the Environmental Social Committee of the Inter-
26 Departmental Task Force on Northern Oil Developement.
27 It is nonetheless separate from the Environmental Social
28 Research Program, which also comes under the Task Force,
29 and is not tied to the findings of that program. Rather,
30 it would draw upon all previous studies and presently

1 available information.

2 In conducting the Assessment, particular
3 attention will be paid to the environmental and social
4 concerns set out in the 1972 Guidelines for Northern
5 Pipelines. The Group has been brought together to take
6 advantage of expertise residing within Government and to
7 use the available specialists in a coordinated way. A
8 Core Group has been seconded on a full-time basis from
9 various agencies, chiefly with Indian and Northern Affairs,
10 Department of the Environment, and Energy, Mines and
11 Resources of the Territorial governments. This Core
12 Group will have access to a variety of additional spec-
13 ialists, and is to draw upon them for short periods, as
14 and when required.

15 The question of alternate modes of
16 transportation has been raised. The Assessment Group's
17 instructions are to deal with pipeline and not with
18 other alternate systems.

19 I might comment on behalf of the
20 Environmental-Social Research Program on the matter of
21 release of information, that a very substantial body of
22 information relating to research programs bearing upon
23 the proposed pipeline system has been released in the
24 reports of the Environmental-Social Committee. And I
25 would presume that these are available in Whitehorse to
26 you. Any of the studies which are not yet reported upon
27 will be reported upon at a very early date with the
28 reports currently in process being released.

29 COMMISSIONER BERGER: We have a list
30 of the members of the Assessment Group and their particular

1 qualifications to hold themselves out as experts. You
2 are certainly entitled to a copy of that list of the
3 members of Dr. Fyles' group. Perhaps some have been
4 distributed but Dr. Fyles has additional copies if anyone
5 wishes one.

6 I should say too that if any of you
7 wish extra copies of the Order-In-Council establishing
8 this Inquiry or of the pipeline guidelines, that relate
9 to the scope of the Inquiry, we have extra copies and
10 when we take a break for coffee a little later you can
11 come up and Miss Hutchison will let you have as many
12 copies as we've got here.

13 Yes, we will carry on with the
14 discussion now.

15 MICHAEL BRIAN: Yes, Mr. Commissioner.
16 With respect to Dr. Fyles and his terms of reference
17 which I appreciate, more particularly with what Mr.
18 Goldie said, as far as the Yukon Resources Council and
19 I think other environmental groups are concerned, it
20 is paramount in our opinion that the proposed pipeline
21 be not evaluated in isolation. This is probably the
22 largest single under-taking of its kind ever undertaken.
23 And it can not be considered in isolation. There are
24 too many other factors involved, the issues are too
25 large. Therefore the question of alternatives must also
26 be considered. We feel this very very strongly and I
27 wish to emphasize it personally.

28 The other point I was going to make
29 is that the Consortium have been making their studies
30 for I think about five years, at the expense of almost

1 fifty million dollars. If I may be blunt, they have a
2 vested interest in the direction of their researches and
3 now we're being asked or it would appear, to come up with
4 an assessment in probably ten or fifteen per cent of that
5 time. And we do not have the expertise to properly
6 assess it.

7 COMMISSIONER BERGER: Well, I don't
8 know who's asked you to come up with an assessment in
9 ten or fifteen per cent of the time they had. I am here
10 to see what you all have to say about how we should
11 conduct this Inquiry and as I said earlier, I don't intend
12 to lay down any kind of time table until I have heard from all
13 of you, and from all of those who have been heard in the
14 Northwest Territories, and who will be interested to be
15 heard in Ottawa. Can you tell me.

16 What material, I appreciate that you
17 may not know exactly what is in it, if it exists, but
18 what sort of material is it that you say the Government
19 of Canada has but has declined to release or Arctic Gas
20 has that it has declined to release. Are you able to
21 be specific?

22 MICHAEL BRIAN: With respect, Sir,
23 Commissioner, I don't think I said the word declined.
24 I said it has not been tabled yet, and I would hope,
25 it is my understanding that there are reports which
26 have not been tabled, both government reports and reports
27 from yourself, sir, that have not been tabled.

28 COMMISSIONER BERGER: You are directing
29 your comments to Mr. Goldie?

30 MICHAEL BRIAN: And the Consortium.

1 If there are any such reports which haven't been tabled,
2 perhaps I should reword it, we would hope they would
3 be tabled.

4 MR. NEILSON: Perhaps I can, Mr.
5 Chairman. Mr. Goldie made reference to a phrase that I
6 used with respect to the wealth of information. I used
7 the phrase, "A vast wealth of information", and I wasn't
8 referring to the applicant. I was referring to the
9 Department of Government, for one example that was mentioned
10 and submitted by Dr. Fyles, the Department of Energy,
11 Mines and Resources.

12 Now there are studies available,
13 significantly directed to this very project which have
14 not been made public. I am sure the mining industry,
15 as well as the conservationists, would be very interested
16 to see that information. I just wondered about it.

17 COMMISSIONER BERGER: This Inquiry,
18 of course, has the power to summon, to bring before the
19 Inquiry, any person whose attendance I consider necessary
20 to the Inquiry. The Order of Council also gives me the
21 power to examine such persons under oath and to compell
22 the production of documents and to do all things necessary
23 to provide a full and proper Inquiry. I said at Yellow-
24 knife and Inuvik that this would be an open Inquiry and
25 that as far as I am concerned, all relevant information,
26 all relevant evidence, all relevant material ought to
27 come before the Inquiry and be made public in that way.

28 What I think we will do to make sure
29 that nothing remains unearthed is to send to any of you
30 who wish it, a list of the material that we know is

1 available to the Inquiry now, emanating from departments
2 of the Government. And if anyone *who* examines the list
3 feels that anything has been ommitted, they can let the
4 Inquiry know and we will take what steps are necessary
5 to get it. But I think you will have to leave that matter
6 with the Inquiry for the time being, at least.

7 MR. VALE: Sir, I was wondering.
8 A specific reference that I am aware of is , there is
9 a study called an Arctic Railway, Engineering and Feasi-
10 bility Cost Study, prepared by M.O.T.

11 No. 1, we have a great difficulty
12 even knowing what is being prepared, much less what is
13 being published and that's the real heart of our concern.
14 Eric Neilson knows a lot more than we do because he's
15 down in Ottawa, but our hope is that you would act as
16 a vehicle to insure that all groups and all individuals
17 concerned about the pipeline, would have access to all
18 the information.

19 COMMISSIONER BERGER: I think that if
20 the work of this Inquiry is to be effective, the
21 Inquiry has to insure all relevant material is considered
22 and made available to the interested parties, including
23 the organizations, the environmental organizations and
24 Arctic Gas.

25 MR. LUECK: I have a question, Mr.
26 Commissioner, It's in reference to your terms of
27 reference which appear to presume that the pipeline will
28 be constructed and therefore your Inquiry should proceed
29 on that basis. I am wondering if you could more clearly
30 define where you're starting from, what your starting

1 point is? Is it that the pipeline will be constructed
2 and you're simply looking at the social, environmental
3 and economic impact on the region or is that economic
4 impact to be broadened out to include all of Canada.
5 What are you implicating? Is it possible for your
6 recommendation to be that there should not be a pipeline
7 at all as opposed to the conditions and terms that should
8 be placed upon a pipeline.

9 COMMISSIONER BERGER: Well, I am
10 bound by all the terms of reference which were passed
11 by the Governor General in Council, and I think that I
12 should repeat what I said in Yellowknife and Inuvik that
13 I am to consider social, environmental and economic
14 impact of the proposed pipeline in the Yukon and the
15 Northwest Territories. Now, in addition to that, I am
16 to take into account the pipeline guidelines which I
17 set, I believe, to you and the requirements they lay
18 down regarding the construction of the gas pipeline.
19 And to consider whether the material filed by Arctic
20 Gas satisfies those requirements so that in a sense
21 if you look at Page 2 of the Order In Council, paragraph
22 ^{is} A on page 2, what I think many would consider a fairly
23 wide mandate to examine the social, environmental and
24 economic impact of the ^{proposed} pipeline in the Yukon and the
25 Northwest Territories. And it seems to be included
26 within that is B which is to consider the extent to
27 which the proposal that Arctic Gas has made, meets the
28 requirements laid down by pipeline guidelines. Now,
29 I am then to say: what terms and conditions should
30 be imposed, if a right-of-way is to be granted. And

1 then, of course becomes a matter for the Government of
2 Canada to decide whether whatever terms and conditions are recom-
3 mended to be imposed on any right-of-way. Now I don't think I
4 can say any more than that on it. If you look at the
5 Pipeline Guidelines itself, you would, I think, see that
6 I deal with some of the questions that have been raised
7 this morning. I am not prepared to say at this time
8 to what extent because the Canadian Arctic Resources
9 and Arctic Gas wish to say something about these matters
10 in Ottawa on May 6th and 7th when we will be holding
11 further preliminary hearings there. And I may say that
12 a scheduled hearing is in Ottawa as well as in the northern
13 communities because the proposal made by Arctic Gas is
14 one of interest, not only to people in the North but to
15 Canadians generally, so that I thought we should solicit
16 their view in a preliminary in Ottawa.

17 If you would look at page 10 of the
18 Pipeline Guideline, paragraph 3, you will see that
19 is references made there to the question of the suitability
20 of the applicant's route, a route for the natural gas
21 pipeline or nearby routing of the other pipeline. The
22 other pipeline it has been said is the oil pipeline,
23 one that would be built in the future.

24 Now, I haven't made any ruling on
25 the scope of this and other references within the pipeline
26 guideline to matters that go further beyond the construction
27 of the gas pipeline because I want everybody to have a chance
28 to say something about that. And if you're not in a
29 position to do so today, you certainly may do so in
30 writing. And any questions sent to me in writing will

1 be distributed to other parties so that they can reply.

2 MR. LUECK: That clears up the first
3 point that I was asking, Mr. Commissioner. It is then
4 presumed that you are dealing from the point that the
5 pipeline will be constructed and you have to place terms
6 and conditions on it.

7 COMMISSIONER BERGER: I think I
8 should interrupt you there. It is for the Government
9 of Canada to decide, well, let me put it this way. It
10 is for the Minister of Indian Affairs and Northern
11 Development to decide whether he will grant a right-of-
12 way. I have to report to him and make recommendations
13 or propose to him on the social, economical and environ-
14 mental impact of a pipeline here in the light of your
15 counsel and the guidelines. And then I have to recommend
16 what terms and conditions should be imposed for the
17 right-of-way to be granted. Now, it is then for the
18 Minister to decide what he is going to do and I think
19 that's putting it as simply as I can. And I hope as
20 carefully as I can.

21 MR. LUECK: May I ask one more
22 question on this same issue then? Your terms of reference
23 on Part A on the second page deal with the social, environ-
24 mental and economic impact regionally. Now if an
25 interest group were to deal with the economic impact
26 for all of Canada and prove to you conclusively, if I
27 may use the term, beyond a reasonable doubt that this
28 pipeline was not economically sound for Canada but
29 only for the United States, would you then be prepared to
30 listen to that kind of a brief? Or is your term of

1 reference dedicated to the regional impact only?

2 COMMISSIONER BERGER: Well, I think
3 that Canadian Arctic Resources Committee are going to
4 make a submission in Ottawa on May 6 that bears on the
5 point that you raised. It wasn't put in that way. And
6 I think that the point they intend to make, repeating
7 what they said in Yellowknife, is that they can not
8 segregate regional impact from national impact. Now
9 that appeared to be the position they intend to take,
10 but I have made no determination as to the proper scope
11 as I see of this Inquiry in relation to that point. I
12 think I can only say though that the Order-in-Council
13 confines my Inquiry to the social, environmental and
14 economic impact regionally of the pipeline proposal.
15 And it is a matter of determining what the right way
16 to proceed is in light of that language in the Order-in-
17 Council.

18 MR. NEILSEN: I have two questions,
19 the answers to both of which will be very important to
20 those who eventually will be submitting briefs and
21 evidence to your own meetings. Both questions have to
22 do with your terms of reference and both with the
23 application of Arctic Gas to the National Energy Board
24 which of course will be making the ultimate decision
25 whether or not this pipeline will be built.

26 The first question is, that has been
27 raised by others before me, is whether you are going to
28 hear submissions with respect to modes of transport
29 other than pipeline, for instance, the railroad. And
30 the second question, which is similar to the first, is

1 whether you are going to hear submissions falling outside
2 of the strict description of the project as contained
3 in the application of Arctic Gas Ltd.

4 The answers to those questions if
5 you're going to get that kind of evidence outside of the
6 scope of the application, outside of the scope of the
7 terms of reference then of course I can see the organizations
8 preparing submissions with respect to the construction
9 of a railroad as a viable alternative.

10 If you're not going to get that kind
11 of evidence, it would save them a lot of time and effort
12 from going into that kind of question.

13 COMMISSIONER BERGER: I'll consider
14 both of those points, Mr. Neilsen. Thank you for
15 raising them. I think the question of alternative
16 modes of transporting the gas has not been raised in
17 the other centers we've visited. And if anyone wishes
18 to examine the Pipeline Guidelines and to make a sub-
19 mission in writing to me on that subject, I'll be
20 grateful to receive it and examine it. If anyone wishes
21 to say anything about that later on today, certainly
22 they may do so.

23 MR. NEILSEN: Forgive me for persisting
24 here but there may be organizations in the Yukon that
25 may wish to propose that a Yukon route, for instance,
26 I'm not proposing it at this time, for instance, through
27 the heart of the Yukon perhaps down to Trench, to Carmacks,
28 to provide cheap gas for Whitehorse may be a more
29 acceptable route for a pipeline than the one described
30 in the application to N.E.B. Will the hearing be prepared

1 to hear evidence of that kind should the Whitehorse
2 Chamber of Commerce and Chamber of Mines wish to construct
3 a brief around that, as I am sure you appreciate, a lot
4 of time and effort is going to be going into the preparatio
5 of these briefs. If they are not going to be material or
6 relevant, then there's not much point in putting all
7 that time and effort into it.

8 COMMISSIONER BERGER: Well, I think
9 that I can say that since the point has been raised here,
10 I will deal with that after the Ottawa hearings and you
11 will be advised on the scope of my Inquiry so that you
12 won't waste any time preparing a brief for me that I
13 don't intend to consider.

14 MR. VALE: Mr. Commissioner, I don't
15 wish to belabour this point too much but as I understand,
16 any material that has been placed in the application
17 and any supporting documents, would that be material that
18 we could comment on, to the extent that the applicant
19 has put in material with reference to alternate modes
20 of transportation or routes, etc., I would think then
21 that that would be permissible to comment on right off
22 the bat regardless of how your expressed terms of
23 reference may eventually be interpreted.

24 COMMISSIONER BERGER: I wonder if
25 you would repeat that? I am not entirely sure I follow
26 you.

27 MR. VALE: Well, my point is simply
28 that I believe the applicant, Gas Arctic, has commented
29 on alternative routes and alternative modes of transporting
30 gas. And to that extent, I would think then, they have

1 opened up the issue and we would therefore then be in a
2 position to comment on it.

3 COMMISSIONER BERGER: Yes, well in
4 fairness to Arctic Gas, they have filed an application
5 for a right-of-way to the Minister referred to in this
6 Inquiry. They have also filed an application to the
7 National Energy Board and I have asked Mr. Goldie to
8 say something about this. But my understanding is that
9 all of their material is filed with the Minister and
10 with the National Energy Board.

11 I wonder if you could comment on
12 that, Mr. Goldie?

13 MR. GOLDIE: Yes, Mr. Commissioner.
14 There are, as you have said, two applications. The
15 first is to the National--when I say first, I don't
16 mean in order of importance, the first is to the National
17 Energy Board for a certificate of Public Convenience
18 and Necessity to construct and operate a gas pipeline.

19 The second is to the Minister for
20 a grant of a right-of-way interest in land with respect
21 to that pipeline.

22 Putting it as shortly as I can, it
23 is the duty of the National Energy Board to go into all
24 matters relating to whether a Certificate of Public
25 Convenience and Necessity should be granted. Their
26 report is in the form of a recommendation to the Governor
27 in Council so in the final analysis it is the Government
28 of Canada which decides whether the pipeline should be
29 built or not.

30 Now, of course, the applications were

1 made to the Energy Board and to the Minister before your
2 Inquiry or your Commission was set up. We had no means
3 of knowing and we did not attempt to say, "This document
4 is for the Minister, this document is for the National
5 Energy Board". What we did was we filed our documents
6 with both. We have very clear submissions to make with
7 respect to the scope of the Inquiry that relates to the
8 terms and conditions, just as we have very clear submissions
9 to make with respect to the scope of the hearings before
10 the National Energy Board.

11 I don't want to get too deeply into
12 this because I understand that you want a submission to
13 be made with respect to it. But so far as alternative
14 corridors and systems of transportation are concerned,
15 we see that in this light: the applicant has a burden
16 on it to show that this pipeline is in the greatest
17 degree of public interest than any other form of trans-
18 portation. Now that has to be a demonstration before
19 the National Energy Board so that it can consider whether
20 a Certificate of Public Convenience and Necessity should
21 be issued. And I anticipate that a very full examination
22 of the question of alternative modes of transportation
23 will take place before the National Energy Board and
24 I would expect people who are interested in the proposition
25 that a railroad better serves the public interest, would
26 put forth their case on that point there.

27 Of course, if they succeed, then
28 terms and conditions to be imposed on the land-use of
29 the pipeline becomes slightly irrelevant.

30 I don't know whether that's confused

1 the issue, Mr. Commissioner.

2 MR. NEILSEN: That's exactly the
3 point, Mr. Commissioner, if you'll forgive me for
4 interrupting again. But the National Energy Board is
5 not required to hold public hearings in order that
6 input can be gained at meetings such as this. My
7 understanding of --I see Mr. Goldie shakes his head,
8 but I may be wrong on that.

9 MR. GOLDIE: I think you are.

10 MR. NEILSEN: But we've tried to
11 obtain assurances in the House that there will be public
12 appearances held with respect to the application to NEB.
13 I've received no such assurances. We did receive
14 assurances from the Minister that there would be public
15 hearings with respect to the right-of-way and he assured
16 us that those hearings will held in the North so that
17 the citizenry of the North would have input. But because
18 of the nature of the two distinct applications, that
19 some concern is felt by those of us in the North with
20 respect to very positive input into any re-considerations
21 before 'make' any the recommendations to the Governor
22 in Council.

23 COMMISSIONER BERGER: Well I appreciate
24 your raising that point, Mr. Neilsen and I think that
25 it's one that I must consider. I think that I can
26 expect to hear more about that on May 6th and 7th in
27 Ottawa. I may say that I am not to attempt to decide
28 what the scope of this Inquiry ought to be until I
29 have heard from those people who wish to make submissions
30 in Ottawa, to bear their submissions in mind along

1 with all that has been said in the Northern sections.

2 MR. VALE: I won't be in Ottawa
3 and I don't think too many people here will be in Ottawa
4 with respect to any further submission and this is just
5 a personal opinion, but if things get to the National
6 Energy Board, I have a feeling that they may get there,
7 a right-of- way may have been granted and the National
8 Energy Board will just be considering all the transmission
9 aspects, whether they can sell, whether they have got
10 enough. And that submission to the National Energy
11 Board is a very different submission than the type of
12 submission that can be made to yourself. My position
13 is that if you want to find out what all the people of
14 the North feel with respect to alternative modes, that
15 your Inquiry is the best vehicle to obtain those views.
16 To suggest that we can make our opinions felt by
17 appearing in front of the National Energy Board at a
18 tremendous cost, which none of us can afford, is to me
19 just isn't satisfactory.

20 COMMISSIONER BERGER: Thank you.

21 MR. GOLDIE: May I add a footnote
22 with respect to the scope of the Energy Board's hearing?

23 First, there is no question that
24 there must be public hearings. The Energy Board does
25 not have the power to make a recommendation.

26 MR. VALE: Where?

27 MR. GOLDIE: Wherever the Energy
28 Board decides to have its hearings. Vancouver, anywhere,
29 Calgary.

30 The Energy Board has held hearings

1 across the continent. I have a personal recollection of
2 an Energy Board hearing in Calgary in which the application
3 was for a products pipeline to Vancouver. It was defeated
4 because an alternative mode of transportation was shown
5 to be better, namely railroad. That so far as I can
6 assure you of what the Energy Board does, I have personal
7 knowledge of that.

8 MR. NEILSEN : Could I ask Mr.
9 Goldie if that power of getting them to hold public
10 hearings is mandatory or discretion?

11 MR. GOLDIE: As far as I know, it's
12 mandatory. It's in the Statute .

13 MR. LUECK: Mr. Commissioner, I haven't
14 any questions on the discussion that's taken place but
15 there certainly is a topic that I want to discuss at
16 some time but I don't know whether you want to look at
17 that now.

18 That is the timing of your hearings
19 and what should be taken into consideration?

20 COMMISSIONER BERGER: Certainly, please
21 feel free to raise that. I may adjourn a minute for
22 coffee if there is likely to be any, if not...

23 I think we'll adjourn a few minutes
24 for coffee and then we'll carry on afterwards and you
25 will have the floor first.

26 MR. LUECK: Thank you, sir.

27 (MEETING ADJOURNED FOR COFFEE)

28 (INQUIRY RESUMED PURSUANT TO ADJOURNMENT)

29 MR. LUECK: Mr. Commissioner, the
30 timing of your various aspects of your Inquiry appear

1 to be important and I wanted to speak for a moment on
2 how that should be orchestrated if I may suggest.

3 The chronological order appears to
4 be that the applicant should be required to file all of
5 his material first and it's understood from hearing
6 the people speak this morning, that all of that material
7 is not filed. There is still something to be put forward.
8 The applicant should not be allowed to sit back and present
9 material ad hoc. He should have all his material in
10 before you proceed on your Inquiry so that we all know
11 what his position is.

12 Secondly, the National Energy Board
13 hearings should be completed before your Inquiry
14 commences and that seems rather clear, because if you
15 haven't got the National Energy Board hearings finished,
16 you won't know what their conclusion is if, as Mr. Goldie
17 says, they decided that a railway is the better mode
18 of moving gas or some other method. Then that ends the
19 matter at that point and there won't be any need for
20 an Inquiry.

21 It's extremely important that the
22 National Energy Board hearings be concluded so that we
23 understand what has occurred in that area.

24 And then thirdly, the Assessment
25 Group, which has been set up to assist you, should have
26 their study completed to the extent that we should be
27 able to see what they have decided and be able to analyze
28 that material.

29 Fourthly, the distribution of materials
30 should be completed. That is, the material which Mr.

1 Neilsen and others have said is available or should be
2 available from the Government. That should be made
3 available to all of us so that we can read it and analyze
4 it. The applicant's material, of course, would be
5 available. I understand that they're doing a summary of
6 the 70 pounds of material that they put forward some
7 time ago.

8 The Energy Board hearings would, of
9 course, be available to us at that time.

10 Then, fifthly, we should have time to
11 look at what has occurred and then prepare the Native
12 Communities with that information available to us. Prepare
13 those Native communities for the hearings which you intend
14 to hold there, or hopefully intend to hold there.

15 After that has been done, then your
16 hearings with the individual Native communities should
17 take place, and then the hearings in the larger centers.

18 And I submit that is the chronological
19 order of the events that should take place in order for
20 this Inquiry to have any meaningful result. It would be
21 inconsistent to have the National Energy Board hearings
22 after your hearings because the social, economic and
23 environmental aspects are by far the most important. The
24 National Energy Board approves the gas pipeline, then it
25 is still up to the people of Canada to decide whether or
26 not we want that gas pipeline.. And that is by far the
27 most important aspect. So your Inquiry should come last
28 as the final recommendation. Thank you.

29 COMMISSIONER BERGER: Thank you for
30 laying it out so clearly. Is there anything that anyone

1 else wishes to say about this subject of timing while
2 we are here in Whitehorse?

3 MR. JACQUOT : Mr., I would
4 like to bring up a point and it's not relevant to what
5 Mr. Lueck has just mentioned, but if you're talking of
6 timing, I think the timing of May 6th in Ottawa is going
7 to be quite detrimental to the people, to Northern groups
8 who want to go to Ottawa. It's my understanding that
9 the air comptrollers might strike on May the 5th and it
10 might, for those groups who do go to Ottawa, it might
11 place quite a burden on them to get there on that parti-
12 cular day. I was just wondering if you had given this
13 any consideration?

14 COMMISSIONER BERGER: Well, thank
15 you, Mr. Jacquot. That is something that is under con-
16 stant consideration by this Inquiry because it hasn't been
17 altogether a simple matter for us to get together and
18 then to Inuvik and then to Whitehorse. But I do intend
19 that we will convene the preliminary hearings in Ottawa
20 on May 6th at 10 AM and any of you who plan to attend
21 should make arrangements to be there at that time. I
22 appreciate that there may be a strike of air traffic
23 controllers on May 5th but I'm afraid that we're going
24 to go ahead anyway. A lot of groups are anxious to
25 present their views at that time in Ottawa and they've
26 made arrangements to be there and I think I should make
27 it clear that I firmly intend to proceed with the
28 preliminary hearings in Ottawa on May 6th at 10 AM. I
29 am afraid that I can't offer any comfort at all. We
30 will look forward to seeing you there.

1 Is there anything that anyone else
2 wishes to say about the...any of the questions that
3 have been raised this morning, relating to pipeline
4 guidelines, relating to the timing of the hearings or
5 any other matter?

6 MR. HAZELTON : I am interested
7 in sort of the umbrella under which this whole thing
8 is being considered. It seems to be that the only thing's
9 we are
10 that negotiating, that's still negotiable, is the mode
11 of transportation. The fact that the gas and oil is going
12 to be extracted seems to be not under discussion
13 and whether in fact that is at this time a national
14 priority for instance is also not being discussed, or
15 isn't to my knowledge. I would like to know whether
16 if anywhere that is being discussed, as a matter of fact.

17 COMMISSIONER BERGER: I think that
18 I've already said a good deal about the Order in Council
19 and the Pipeline Guideline. I'm traveling around the
20 North and I intend to seek submissions in the South
21 so that people can urge upon me what the proper scope
22 of this Inquiry ought to be. And the way that Mr.
23 Lueck has done this morning and the way that Mr. Goldie
24 has already done in Yellowknife and intends to do in
25 Ottawa. Now, I'm not going to decide what the proper
26 scope of this Inquiry is until I've heard from every-
27 body. And the points that you raised together no doubt
28 will be raised again in Ottawa and I will have to deal
29 with it then.

30 MR. BRIAN: Mr. Commissioner, I
should like to direct this to Mr. Goldie perhaps, through

1 you. Have there been evaluations done on some of the
2 studies, I obviously haven't read through some of the
3 material yet, of some of the studies that have been
4 tabled by your group?

5 MR. GOLDIE: As far as I am aware,
6 that is what the Assessment Group is doing. No doubt
7 others are doing it.

8 MR. BRIAN: Maybe I should be possibly
9 more specific in clarifying it a bit. If there was a
10 study done on the effect of bears, is the study that you
11 have tabled accompanied by an evaluation by the person
12 submitting that study. Or is he just saying there are
13 so many bears in the area, their habits are so and so
14 and such and such. Or has there actually been an eval-
15 uation accompanying the study to assess the effects
16 on the pipeline if it were built through that area.
17 This is what I am getting at, Mr. Goldie.

18 MR. GOLDIE: The answer to that is
19 yes. As you will find out when you read the material.

20 COMMISSIONER BERGER: And Dr. Fyles'
21 Assessment Group will bring their knowledge and experience
22 to bear, if you will forgive the expression, on the
23 other gas material and then in September, when their
24 work is complete, provide a report on what they conceive
25 to be the, let's put it this way, a report on their
26 assessment of Arctic Gas material.

27 Anything else?

28 MR. LIVINGSTONE: Throughout the hearing or
29 the proceedings this morning, there seems to be an
30 over-riding opinion that nobody has brought out that

1 the actual construction of the pipeline is going. Is
2 this part of the terms of reference or is there a chance
3 that we are actually trying to decide whether the pipe-
4 line shall be constructed, whether we are deciding the
5 environmental design for the pipeline, or will part of
6 it be that it's a go or no go situation that will be
7 decided by the Commissioner?

8 COMMISSIONER BERGER: Well, this
9 Inquiry is to recommend the terms and conditions that ought
10 to be imposed if a right-of-way is to be granted to Arctic
11 Gas. Now, I think that at the main hearings there will
12 be submissions made about what terms and conditions
13 ought to be imposed. Native organizations have already
14 made it plain that they intend to urge that one of the
15 terms that ought to be imposed relates to the settlement
16 of aboriginal claims. The question of what terms and
17 conditions ought to be imposed, is one that will have
18 to depend upon a consideration of all of the evidence,
19 all of the submissions that are made. And then my report
20 relating to the social, environmental and economic
21 impact of the proposed pipeline recommending the terms
22 and condtions to be imposed if a right-of-way is to be
23 granted will go to the Minister and he will decide
24 whether to grant a right-of-way. The Minister is the
25 Minister of Indian Affairs and Northern Developement.
26 Now, the trouble is that it's quite understandable that
27 everybody is looking ahead a little farther than I am,
28 because I am anxious to maintain an open mind about all
29 of these very profound questions that have been raised.
30 And, as I say, I'm looking forward to coming here again

1 when the proceedure of the Inquiry is determined.

2 MR. BRIAN: I'm sorry.

3 COMMISSIONER BERGER: No, no, don't
4 be sorry, I'm here to listen to you.

5 MR. BRIAN: A very immaterial questions,
6 Commissioner, and I hate to have overtones of requiring
7 Welfare, but would there be a possibility for any of
8 us to go to Ottawa from, say, in our particular case
9 or any other environmental group or interested groups.

10 COMMISSIONER BERGER: I can't make
11 any commitment at all in that respect. If you want to
12 leave with Mr. Waddell, the name of your group and some
13 idea of its membership and activity in this area, that's
14 the first step to even having any such request considered.
15 And let me repeat I make no commitment at all.

16 MR. GREEN: Are you going to publish
17 any of the submissions that you've had earlier in the
18 three meetings that you had in the North, these preliminary
19 hearings.

20 COMMISSIONER BERGER: I'm glad you
21 raised that, sir. I intend that the transcript of
22 everything that was said in Yellowknife and in Inuvik
23 and in Whitehorse should be readied early next week and
24 will be mailed to those of you who wish a copy. Leave
25 your name with Miss Hutchison, before you leave the
26 building, and we will give priority to those people who
27 made presentations at the hearing, but we will try to
28 accomodate everybody. I should add that we'll mail
29 them to you. Well, if there's nothing further that
30 anyone wishes to raise, I am going to declare the

1 preliminary hearing here in Whitehorse adjourned until
2 reconvened in Ottawa at 10 AM on May the 6th, in the
3 Government's Conference Center there.

4 I'll look forward to seeing as many
5 as can be there at that time.

6 Thank you very much.

7
8 (PROCEEDINGS CONCLUDED)
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Q35/11835

Canadian Arctic Gas Pipeline

AUTHOR

Mackenzie Valley Pipeline enquiry.

TITLE

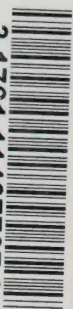
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